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FIRST INTERIM REPORT
Of The Activities of
THE INTERNATIONAL COMMISSION
For Supervision and Control
IN LAOS

(11th August 1954-31st December 1954)

TABLE OF CO

CHAPTER	SUBJECT	PAGE
I	INTRODUCTION.	
II	ESTABLISHMENT AND ORGANISATION	1—8
	Establishment of the International Commission	1
	International Secretariat	2
	Committees	3
	Fixed and Mobile Teams	3
	Transportation	4
	Communications	6
	Medical Cover	6
	Meetings	6
	Unanimity	7
	Security	7
	Co-ordination of the Three Secretariats-General	7
	Death of Mr. J. H. Thurrott	8
	Progress Report	8
III	REGROUPMENT AND WITHDRAWAL OF FORCES	9—21
	Time Table	9
	Four Categories of Forces	9
	Responsibility of the Joint Commission	10
	Supervision by the International Commission.	10
	Disengagement and Regroupment in Provisional Assembly Areas	11
	Transfer and Assembly Plans	11
	Recommendation of the International Commission	12
	The Agreement signed by the Joint Commission on August 29-30	13
	Joint Groups	14
	Ancillary Agreements	15
	Action by the International Commission.	15
	Detailed Information	16
	Supervision of Withdrawals	16
	Completion of Withdrawals	17
	Difficulties experienced in carrying out Supervision.	17
	Withdrawal of French Union Forces	18
	Withdrawal of Vietnamese People's Volunteers and "Pathet Lao" Forces	18
	Identification of Units	19
	Co-operation between two Parties in Joint Groups	19
	Transport difficulties	20
	Withdrawals during August and September	20
	Conclusion	20

CHAPTER	SUBJECT	PAGE
IV	SPECIAL CONVENTION REGARDING VIETNAMESE PEOPLE'S VOLUNTEERS SETTLED IN LAOS BE- FORE HOSTILITIES	22—24
	Letter to the Parties	22
	View points of the Parties	22
	Declaration by Vietnamese People's Volunteers/" Pathet Lao "	
	Delegation	23
	Reaction of the Franco-Laotian Delegation	24
	Not a Live Issue	24
V	REMOVING AND NEUTRALISING MINES	25
	Khang Khay Agreement	25
	Removal Operation	25
	Implementation	25
VI	PRISONERS OF WAR AND CIVILIAN INTERNEES	26—37
	Lists, Numbers and Plans of Release	26
	Agreement between Parties	28
	Number Claimed—vs. Number Released	28
	Prisoners of Laotian Nationality	30
	Prisoners of War and Civil Internees of French Union	31
	Divergence	32
	Political Internees and Ordinary Civil Internees	35
	Conclusion	37
VII	COMPLAINTS (FORCED RECRUITMENT)	38—45
	Franco-Laotian Allegation	38
	Denial of Charge by Vietnamese People's Volunteers/" Pathet Lao " Delegation	38
	Control of Vietnamese People's Volunteers/" Pathet Lao "	
	Battalions marching out of Laos	39
	Contention of Franco-Laotian Delegation	39
	Contention of Vietnamese People's Volunteers/" Pathet Lao "	
	Delegation	40
	International Commission undertakes Investigation	41
	Method of Checking	41
	Alleged intimidation by Franco-Laotian side	41
	Investigation by Teams of International Commission and Re- sults of Investigation	42
	Presence of both Parties at investigation	44
	Vietnamese People's Volunteers/"Pathet Lao " Complaints	44
	Investigation in Northern Provinces	44
	Conclusion	45

CHAPTER	SUBJECT	PAGE
VIII	DEMOCRATIC FREEDOMS	46—47
	Effect of Civil War	46
	Safeguarding Life and Property during Movement of Forces	46
	Guaranteeing Democratic Freedoms	46
	Royal Government Declaration	46
	Complaints	46
	Publicising Relevant Clauses	47
IX	PROHIBITION OF THE INTRODUCTION OF FRESH TROOPS, MILITARY PERSONNEL, ARMAMENTS AND MUNITION	48—50
	Relevant Articles of Geneva Agreement	48
	Authority to import Arms	48
	Specified Quantity and Category	48
	Information requested from Royal Government	48
	Break-down of French Military Personnel	48
	Method of Supervision discussed	49
	Provisional Instructions issued to Teams	49
	Conclusion	50
X	INCIDENTS AND INVESTIGATIONS	51—61
	Alleged Acts of Military Nature	51
	Alleged Acts of Violence against Civil Population	51
	Miscellaneous	51
	Processing of Complaints	51
	Details of Investigations	52
	Allegation by Franco-Laotian Party and results of Investiga- tion	52
	Allegations by the Vietnamese People's Volunteers/ " Pathet Lao " Party and results of investigation	55
	Investigation carried out by the International Commission on its own initiative	60
	Conclusion	60
XI	THE PROVINCES OF PHONG SALY AND SAM REUA	62—71
	Difficult and delicate problem	62
	Clauses relating to the two provinces	62
	Military and Political Aspects of the Problem	62
	Article 19 of Geneva Agreement	63
	Royal Government Declaration	63
	Military Aspect	63
	Claims and Counter Claims	63
	Problem referred to International Commission	64
	Recommendation of International Commission	64
	The Corridor	65

CHAPTER	SUBJECT	PAGE
XI	THE PROVINCES OF PHONG SALQ AND SAN NEW—(contd.)	
	Views of two Parties	65
	Vietnamese People's Volunteers/" Pathet Lao " Contention	65
	Franco-Laotian Contention	66
	Proposals of two Parties	66
	Franco-Laotian Aide-Memoire	67
	Vietnamese People's Volunteers/" Pathet Lao " Proposal .	67
	" Pathet Lao " Declaration	67
	Existence of two Forces side by side	68
	Political Settlement in Laos	68
	International Commission's Recommendation	68
	Response from sides	69
	Increasing Tension	69
	Vietnamese People's Volunteers/" Pathet Lao " Complaints .	70
	Complaints by Franco-Laotian side	70
	Investigation by International Commission Teams	70
	Appeal to both sides	71
	Possible Repercussion if settlement be delayed	71
XII	GRAVES OF MILITARY PERSONNEL AND PRISONERS OF WAR	72—73
	Relevant Article of Geneva Agreement	72
	Humanitarian Aspect of the Problem	72
	Lack of Agreement within Joint Commission	72
	Point of Difference	73
	Joint Meeting to decide Issue	73
XIII	PUBLIC RELATIONS WORK	74—76
	Aim and Method	74
	Internal Publicity	74
	External Publicity	75
	Co-ordination	75
	General	76
XIV	CONCLUSION	77—78
	Progress Made	77
	Efforts made by Parties to fulfil their obligations	77
	Prospects of Solution of the Problem of the Northern Provinces	77
	Help and Co-operation Received	78

APPENDICES

No.	SUBJECT	PAGE
'A'	Withdrawal of Vietnamese People's Volunteers/"Pathet Lao" troops	78—83
'B'	Withdrawal of French Union Forces	74—87
'C'	Prisoners of War and Civil Internees	88—89
'D'	Notes for Guidance of Teams	90—97

No.	SUBJECT	PAGE
'E'	Complaints received from Franco-Laotian Party	98—99
'F'	Complaints received from Vietnamese People's Volunteers/ "Pathet Lao" Party	100—101
'G'	Letter No. 129/VL of 20th October, 1954 from the Vietnamese People's Volunteers/"Pathet Lao" Delegation	102-- 107
'H'	Letter No. 820/CML of 10th October, 1954 from the Franco - Laotian Delegation	108—110
'I'	Declaration made by Colonel Singkapo on 4th November, 1954	111
'J'	Statement of Prince Souvzanna Phouma on 4th November, 1954	112
'K'	Extracts from a speech made by His Excellency Katay D. Sasorith on 23rd November, 1954	113



सत्यमेव जयते

INTRODUCTION

On 20th July, 1954, the "Agreement on the Cessation of Hostilities in Laos" was signed at Geneva. As provided in it an International Commission for Supervision and Control in Laos was established in Vientiane on 11th August, 1954, composed of representatives of the States of Canada, India and Poland.

This is an interim report of the activities of the Commission from the date of its establishment till 31st December, 1954 and an account of the extent to which the terms of the Geneva Agreement have been implemented.

Vientiane,

15th January, 1955.



CHAPTER II

ESTABLISHMENT AND ORGANISATION

Establishment of the International Commission

1. The Geneva Agreement on the cessation of hostilities in Laos by its Article 25 stipulated:

“An International Commission shall be responsible for control and supervision of the application of the provisions of the Agreement on the cessation of hostilities in Laos. It shall be composed of representatives of the following States:

Canada, India and Poland.

It shall be presided over by the representatives of India. Its Headquarters shall be at Vientiane.”

2. In accordance with this, on 11th August, 1954, Brigadier A. S. Pathania, Mr. F. G. Ballachey and Mr. S. Soltysiak, as representatives of India, Canada and Poland respectively, formed themselves into the International Commission for Supervision and Control in Laos.

3. Major General P. S. Gyani, Alternate Delegate of India, arrived on 21st August, 1954. Under his Chairmanship the International Commission was engaged in the task of organising itself, establishing liaison and finalising the rules of procedure for disengagement and regroupment of the forces of the two Parties.

4. The Delegate of India, Ambassador Dr. J. N. Khosla, who had till then been acting as Chairman of the International Commission in Vietnam, arrived in Vientiane and assumed charge as Chairman of the International Commission on 4th September, 1954. Ambassador Mr. M. Graniewski, the Delegate of Poland, arrived on 14th September and Ambassador Mr. L. Mayrand, the Delegate of Canada, reached Vientiane on 1st October, 1954.

5. Thus it was only by the beginning of October, 1954, that the final composition of the International Commission was effected. Each Delegate, who has the personal rank of Ambassador, is assisted by one or two Alternate Delegates and also by Military and Political Advisers.

SECRET

2

International Secretariat

6. The International Commission is served by an International Secretariat. The Chairman of the International Commission is also, *ex-officio*, the Secretary-General of the International Secretariat. Under him there are three Deputy Secretaries-General, one each from India, Canada and Poland. For various reasons, principally accommodation, the Secretariat could not get itself well organised till the end of September. The Deputy Secretary-General from India assumed his duties on 4th September and those from Canada and Poland arrived on 5th October and 1st November, 1954 respectively.

7. The work of the Secretariat is divided among the three Deputy Secretaries-General. The Deputy Secretary-General from India is in charge of all work connected with administration and conferences. For the latter purpose, he is assisted by a Conference Secretary. The Deputy Secretaries-General from Canada and Poland, between themselves, are in charge of work connected with the various sections of the Geneva Agreement. Publicity work and public relations are handled by a Public Relations Officer.

8. Both in the Secretariat as well as with the Teams, difficulty was experienced in the initial stages owing to the absence of qualified English/French translators and interpreters. The French Liaison Mission in Vientiane was very helpful during this period. The situation has eased since the arrival of some interpreters recruited in Geneva and in India, though even now all the Teams do not have interpreters attached to them. Apart from this, very often the need has also arisen for translation and interpretation from Laotian and Vietnamese languages. The absence of interpreters for those languages, particularly for the Laotian language, has often held up investigations. In some parts of the country people talk and understand only local dialects, posing peculiar problems to the Inspection Teams.

Committees

9. To assist it in its work, the International Commission has set up three Committees: the Military Committee, the Political Committee and the Administrative Committee. The Military Committee consisting of the senior-most military members of the three National Delegations is responsible for studying the military aspects of problems arising out of the work of the International Commission and making recommendations thereon to the Commission.

It generally supervises the operational part of the Commission's functions, particularly, with regard to the Fixed and Mobile Inspection Teams.

10. The Political Committee, also consisting of a member from each of the three National Delegations, examines, co-ordinates and determines priorities of complaints, and studies and evaluates reports received by the International Commission from the Parties or members of the public or from its Teams.

11. Matters of administrative detail are attended to by the Administrative Committee, presided over by the Administrative Officer of the International Secretariat and with the Administrative Officers of the three National Delegations as members. This Committee holds periodical meetings with officers of the French Liaison Mission in Vientiane to discuss problems connected with accommodation, transport, supplies and general logistic problems affecting the Teams.

Fixed and Mobile Teams

12. In order to carry out its functions as laid down in the Geneva Agreement, the International Commission was required to set up Fixed and Mobile Inspection Teams. Transportation difficulties, accentuated by bad weather and difficult terrain, prevented the setting up of the Teams as quickly as the Commission would have desired. There was also the question of acute lack of accommodation both at Vientiane and at the centres where the Teams were to be based. This necessitated up to the middle of October the staggering of the arrivals of the officers who were to constitute the Teams, as it was not possible to house all of them at Vientiane while waiting for accommodation to be made ready at the Team sites. Accommodation problems in Vientiane were and continue to be, if any thing, more difficult than elsewhere in Laos.

13. The International Commission now has 11 Teams in the field, six Fixed and five Mobile. These were positioned on the dates as given below:—

7th September 1954 Fixed Team SAVANNAKHET
17th September 1954 Fixed Team PAKSE
1st October 1954 Mobile Team LUANG PRABANG
7th October 1954 Mobile Team SAVANNAKHET
11th October 1954 Fixed Team SOP HAO
14th October 1954 Fixed Team PHONGSALY

SECRET

19th October 1954 Fixed Team VIENTIANE

20th October 1954 Fixed Team XIENG KHOUANG

21st October 1954 Mobile Team PHONGSALY

26th November 1954 Mobile Team PAKSE

27th November 1954 Mobile Team XIENG KHOUANG

14. The Commission has not yet been able to establish a Fixed Team at Tchepone owing to the absence of any accommodation there and also since the road passing through Tchepone has been unusable. The road is now under repair and the Commission is considering stationing a Fixed Team at Tchepone.

15. The Teams have often experienced difficulty in carrying out their duties, again mainly due to transportation difficulties. Even within 45 Kms of Vientiane one of the Teams had to proceed by jeep, by country boat and on foot for fourteen days to conduct an investigation. In the northern provinces of Phong Saly and Sam Neua, the maintenance of the Teams is becoming a very serious problem. In both the provinces provisions have to be airdropped, and the uncertain weather, even now when there is no monsoon, has often made such drops precarious, obliging our Teams to go without normal provisions for days. There are no modern means of surface transport at all, and the movement of the Teams has perforce to be by helicopter or light aircraft. Even with helicopter transport, the uncertain weather conditions make every journey quite an adventure, and one of the Teams had to trek for three days after their helicopter crashed, before they were sighted and rescued.

Transportation

16. There is no railway in Laos. The road system has deteriorated as a result of long years of war and the monsoon rains. Bridges demolished and culverts washed away make even existing stretches of roads unusable, particularly during the monsoon. In most parts of the northern provinces of Phong Saly and Sam Neua, there are only pony tracks and foot-paths over jungle-clad hills.

17. The International Commission realised early that if the mobility of the Teams was to be ensured, a considerable amount of air-transport would be necessary. It was also realised that in the northern provinces, due to the difficult nature of the ground and lack of proper air-fields for Dakotas, air support would have to be restricted to light aircraft and helicopter.

18. The International Commission has great pleasure in placing on record its appreciation of the help it has received from the

French authorities in this matter. They have provided Dakota aircraft at Vientiane for despatch of mail and personnel to Savannakhet, Pakse, Luang Prabang and Plaine-des-Jarres. They have also been very helpful in providing light aircraft and helicopters within their availability.

19. No satisfactory start, however, could be made for reconnaissance or positioning of Teams in the northern provinces until almost the end of September owing to the fact that initially all available helicopters were being used for evacuation of casualties, and, later in September, due to very bad weather. During the month of October, the weather was clear and the Commission was able to extend its activities in the north.

20. During the month of November, however, availability of helicopters and light aircraft became very much restricted. These aircraft were stationed at outlying air-strips and airports where there was no special provision for the specialised maintenance of the helicopter. Most spare parts had to be flown from Saigon. Furthermore, the withdrawal of French forces from the North made the task still more difficult. The arrangements were ad hoc, and the effect of constant use during October also began to tell. This was unfortunate, as it occurred at the moment when the Commission needed maximum air facilities, as a number of investigations and withdrawals were in hand. Unfortunately, the situation was made worse by a spell of bad weather and the crash of one helicopter in Phong Saly. Considerable air effort, particularly in helicopters and light aircraft, was used in search and rescue work in connection with this crash as well as that of a civilian Dakota in an adjacent province.

21. The bad weather has persisted in December also. This, happening during what should be considered as clear weather period, has made the International Commission give serious thought to the problem of maintaining its Teams in this part of Laos and carrying out its functions under the Geneva Agreement during the long monsoon months.

22. The problem of ensuring continuous availability of a sufficient number of light aircraft and helicopters to the Inspection Teams is also engaging the attention of the Commission. The provision of helicopters particularly is vital, because without them large areas of the country will be inaccessible to the Teams.

SECRET

6

Communications

23. Signal communication facilities for the International Commission are provided by a detachment of the Corps of Signals (INDIA). All equipment has been supplied by the French authorities.

24. Wireless telegraphic communication has been established between the International Commission Headquarters in Vientiane and all the Fixed Teams. In addition, each Mobile Team has a Signal detachment. These detachments accompany these Teams whenever they go out on specified investigations. One special station has also been set up at Boun Neua to provide communication to Phong Saly. This has facilitated quick call up of helicopters.

25. In Vientiane itself, telephonic communications is provided for the International Secretariat and the three Delegations by the establishment of the Commission's own telephone exchange-"DOVE".

26. For communication among the three Commissions, a wireless net has been established covering Hanoi, Phnom Ponh and Saigon.

Medical Cover

27. For providing medical service for the members of the International Commission, there are two doctors: one from India and one from Poland. The Commission maintains a five-bed, non-diet, sick bay in Vientiane. Full medical facilities including hospitalisation are available from the French Military Hospital in Vientiane. Supplies of medicines, drugs and other materials are procured from the French Army authorities in Laos.

28. The Commission's Teams receive medical attention from local French Military Hospitals except in the two provinces of Phong Saly and Sam Neua, where the Commission has stationed a Nursing-cum-Sanitary Assistant in each place. In addition to these, each Fixed and Mobile Team is also supplied with a First-aid kit.

Meetings

29. Since its inception on 11th August, 1954, the International Commission has held 56 meetings. In addition to these, the International Commission has held 5 meetings with the Joint Commission. The first meeting with the Joint Commission, which was informal, took place at Khang Khay on 13th August, 1954. The

second meeting took place at the airport of Plaine-des-Jarres, 26 Kms. from Khang Khay, on 18th August, 1954, while the third meeting was held on 8th September at Khang Khay. It was realised by then that these brief meetings with the Joint Commission were not enough to discuss fully the problems that had to be solved. The next meeting, therefore, was held at Vientiane and lasted from 29th September until 5th October, 1954. The last conference with the Joint Commission, also at Vientiane, continued from 29th October until 6th November, 1954. During these long sessions, the International Commission was able by persuasion and advice to iron out some of the differences of views between the two Parties and to suggest lines of agreed action.

30. Besides these formal meetings, there were constant consultations among the three Delegations and informal meetings with the Parties separately. This method of negotiation by formal and informal approach, stressing the spirit of the Geneva Agreement rather than sticking to narrow interpretations of the text, has been of great help in producing an atmosphere of reconciliation and friendliness in which differences of views could be discussed without bitterness and serious issues settled amicably.

Unanimity

31. It is gratifying to put on record that in spite of inevitable differences of opinion and approach, all decisions of the Commission have been unanimous. The members of the Inspection Teams have likewise shown unanimity in most of their findings. The occasional divergences of views have been in matters of detail, in the appraisal of a fact or a situation and in devising ways and means in tackling a particular situation.

Security

32. All members of the International Secretariat and the three National Delegations carry identity cards issued by the Secretary-General. In addition to this, the members of the Teams are also provided with credentials in four languages: English, French, Lao-tian and Vietnamese. Most of the vehicles used by the Commission and its Teams are already painted white; painting of the others will be completed soon. All vehicles of the Inspection Teams fly white flags. The buildings occupied by the Commission and the Teams also fly the International Commission flag.

Co-ordination of the three Secretariats-General

33. Article 38 of the Geneva Agreement provides that the Secretariats-General of the three Commissions shall be responsible for

co-ordinating their work and for relations between them. Accordingly, in November 1954, a meeting was held at Hanoi of the three Secretariats-General, at which matters of common interest, particularly with regard to administration, staff requirements, maintenance of accounts, public relations and handling of complaints and petitions were discussed and decided on, subject to confirmation by the respective Commissions. It was also decided to hold such co-ordination meeting at regular intervals.

Death of Mr. J. H. Thurrott

34. The International Commission suffered a serious loss on the 24th of December, 1954, when Mr. J. H. Thurrott of the Canadian Delegation died in a jeep accident. Mr. Thurrott had been the Canadian Delegate on the Commission for a while in September; and after the arrival of Mr. L. Mayrand, continued to render valuable service as Political Adviser to the Canadian Delegation and as a member of the Political Committee. Genial and friendly, "Jack" had won the affection of all in the Commission, and every one felt his death as a personal loss of a warm-hearted friend and a valuable colleague.

35. In this first report of its activities, the Commission would like to record its appreciation of the service rendered to the cause of peace in Laos by Mr. J. H. Thurrott.

Progress Report

36. In the chapters that follow will be found detailed accounts of the extent to which the terms of the Geneva Agreement have been carried out, and how far the Commission has been able to fulfil its functions till 31st December, 1954.

CHAPTER III

REGROUPMENT AND WITHDRAWAL OF FORCES

Time-Table

37. The following time table was laid down by the Geneva Agreement for the implementation of the clauses dealing with the indigenous and foreign forces in Laos.

6th August, 1954—Simultaneous cessation of hostilities throughout the territory of Laos (Article 2).

15th August, 1954—The date by which the Franco-Laotian forces and the Vietnamese People's Volunteer/"Pathet Lao" forces should communicate to each other their plans for the transfer of all troops to be regrouped in Provisional Assembly Areas (Article 4 a). The forces of the Laotian National Army would remain in situ (as on 6th August, 1954) during the entire duration of the operations of disengagement and transfer of foreign forces and fighting units of "Pathet Lao". (Article 12)

21st August, 1954—The date by which the disengagement, regroupment and transfer to Provisional Assembly Areas of all except the forces of the Laotian National Army should be completed. (Article 11).

19th November, 1954—The date by which:

- (a) the withdrawal and transfer from the Provisional Assembly Areas out of Laos, of the Military forces, supplies and equipment of the French Union and the Vietnamese People's Volunteer forces, should be completed. (Article 4 a).
- (b) the transfer into the provinces of Phong Saly and Same Neua of all Fighting Units of "Pathet Lao" not demobilised on the spot.

Four Categories of Forces

38. The forces in Laos were divided into four categories viz. the Laotian National Army, the forces of French Union, the Fighting Units of "Pathet Lao" and the Vietnamese People's Volunteer forces. In the first stage, the opposing forces were to be disengaged (separated) from the one another; in the second,

SECRET

10

the forces of the French Union, the "Pathet Lao" and the Vietnamese People's Volunteers were to be regrouped in the Provisional Assembly Areas; in the third stage:

- (a) the Vietnamese People's Volunteers were to be completely withdrawn from Laos;
- (b) the French Union forces were to be withdrawn, except for 5,000 men, as laid down under Articles 6 and 8.
- (c) the fighting units of "Pathet Lao" (except for any military personnel who wished to be demobilised where they were stationed) were to be withdrawn and finally assembled in the provinces of Phong Saly and Sam Neua.

Responsibility of the Joint Commission

39. In all this, the primary responsibility lay with the Joint Commission:—

- (a) Article 12 charged it with the task of fixing the site and boundaries of the Provisional Assembly Areas;
- (b) Article 3(b) required the Joint Commission to ensure the safety of the troops on the move or in the process of being withdrawn. "In particular, while the forces of one party are withdrawing by a line of communication passing through the territory of the other party (roads or waterways) the forces of the latter party shall provisionally withdraw two kilometres on either side of such line of communication, but in such a manner as to avoid interfering with civilian traffic";
- (c) under Article 4(c), it was to determine the routes for the French Union and Vietnamese People's Volunteers (not of the "Pathet Lao");
- (d) Article 28 required the Joint Groups of the Joint Commission to follow the forces in their movement.

Supervision by the International Commission

40. The International Commission was empowered to supervise and control the withdrawals under the following articles of the Geneva Agreement:

- (a) Article 4(f), which charged the International Commission to supervise the implementation of measures to ensure the safety of the forces during withdrawal and transfer;

- (b) Article 27(a), which vested in it the right to control the withdrawal of foreign forces in accordance with the provisions of the Agreement on the cessation of Hostilities and to see that frontiers were respected;
- (c) Article 26, which empowered it to set up Fixed and Mobile Teams for the purposes of supervision, investigation and observation.

Disengagement and Regroupment in Provisional Assembly Areas

41. The final and effective disengagement of the forces depended on their regroupment in separate Provisional Assembly Areas. Article 12 stipulated that:—

- (a) the Vietnamese People's Volunteers and the French Union forces would each have 5 Provisional Assembly Areas;
- (b) the fighting units of "Pathet Lao" would be concentrated in 12 Provisional Assembly Areas, one in each province of Laos;
- (c) the troops of the Laotian National Army would remain *in situ*.

Transfer and Assembly Plans

42. In accordance with Article 4(a), the two Parties communicated to each other, before 15th August, 1954, their transfer and assembly plans.

43. The Franco-Laotian side, in a communication dated 9th August, 1954, proposed 5 Provisional Assembly Areas for the French Union forces (3 in the northern provinces of Xieng Khouang, Luang Prabang and Vientiane and 2 in the southern provinces of Savannakhet and Pakse).

44. The Vietnamese People's Volunteers/"Pathet Lao" side, in a communication dated 10th August, 1954 proposed 5 Provisional Assembly Areas for the Vietnamese People's Volunteers (one each in the northern provinces of Phong Saly, Vientiane and Xieng Khouang and one each in the southern provinces of Savannakhet and Attapeu) and 8 Provisional Assembly Areas for the "Pathet Lao" (one each in the provinces of Luang Prabang, Xieng Khouang, Vientiane, the whole of the province of Sam Neua, the whole of the province of Phong Saly but excluding the area allotted to Vietnamese People's Volunteers, and one each in the southern provinces of Thakhek, Saravane and Pakse) instead of 12 which they were entitled.

45. According to the Franco-Laotian side, the Vietnamese People's Volunteers/"Pathet Lao" side verbally agreed to the Franco-Laotian project of 9th August, 1954, but did not, in spite of two reminders, send any written confirmation of their approval. On 14th August, 1954, the Franco-Laotian side informed the International Commission that they would start moving their troops from 15th August to the Provisional Assembly Areas selected by them.

46. Regarding the Vietnamese People's Volunteers/"Pathet Lao" project of 10th August, 1954, the Franco-Laotian side said that:—

- (a) the Provisional Assembly Areas were too large;
- (b) many of the Provisional Assembly Areas of the Vietnamese People's Volunteers and the fighting units of "Pathet Lao" were contiguous and were, therefore, against the principle of disengagement.

47. In view of these objections, the Vietnamese People's Volunteers/"Pathet Lao" side made fresh suggestions on 17th August, 1954. They reduced almost all the Provisional Assembly Areas except those in the provinces of Phong Saly and Sam Neua. The Franco-Laotian side agreed to these revised areas, provided the Vietnamese People's Volunteers/"Pathet Lao" forces completed their withdrawal from the proposed Provisional Assembly Areas in Saravane, Attapeu and Pakse by 30th September, 1954, and from Savannakhet, Thakhek and Vientiane by 15th October, 1954.

48. As regards the provinces of Phong Saly and Sam Neua, the Franco-Laotian side, basing themselves on Article 12, rejected the Vietnamese People's Volunteers/"Pathet Lao" contention of constituting the totality of the province of Phong Saly into Provisional Assembly Areas for the Vietnamese People's Volunteers/"Pathet Lao" forces and the whole of the province of Sam Neua for the fighting units of "Pathet Lao" only. The Vietnamese People's Volunteers/"Pathet Lao" side based their proposal concerning the provinces of Phong Saly and Sam Neua as regards the fighting units of "Pathet Lao" on Articles 12 and 14 of the Agreement read together. On 18th August, 1954, both the Delegations submitted to the International Commission for its recommendation, a list of their differences, including those concerning the Provisional Assembly Areas.

Recommendation of the International Commission

49. The problem received the attention of the International Commission from the very beginning. At its 8th meeting. (26th—29th

August), it decided to ask the Joint Commission to bear in mind the following points while fixing the Assembly Areas:—

- (a) actual strength of the forces to be assembled in each area;
- (b) the necessity for facilitating supervision and check by the Joint Groups and Fixed and Mobile Teams of the International Commission;
- (c) the locations occupied by the Laotian National Army to be excluded;
- (d) roads and routes for supplying Laotian National Army to be excluded;
- (e) withdrawal routes to be taken into consideration.

50. Almost simultaneously, on 30th August, 1954 the Joint Commission signed an agreement which indicated a similarity of approach between it and the International Commission.

The Agreement signed by the Joint Commission on August 29-30

51. The agreement of 30th August between the two Parties was on the following points:

- (a) Provisional Assembly Areas—The 5 Provisional Assembly Areas for the French Union troops remained the same as proposed in the Franco-Laotian side's communication of 9th August, 1954. Those for the Vietnamese People's Volunteer and the "Pathet Lao" forces were further reduced in area, and in addition a change was made in that the Vietnamese People's Volunteers were allotted a Provisional Assembly Area in the province of Sam Neua instead of the province of Xieng Khouang. Further, the Agreement specified that the Vietnamese People's Volunteers were to have 5 and the fighting units of "Pathet Lao" to have 6 Provisional Assembly Areas. In this agreement, it should be noted, no mention was made concerning the Provisional Assembly Areas for the fighting units of "Pathet Lao" in the provinces of Phong Saly and Sam Neua. This complete absence of any reference was to be the cause of bitter controversy later. The Vietnamese People's Volunteers/"Pathet Lao" side quoted it as an assurance on the part of the Franco-Laotian side to consider the two provinces, not as Provisional Assembly Areas, but as the final assembly area for the fighting units of "Pathet Lao". The Franco-Laotian side, on the other hand, said protestingly that an agreement by avoiding controversial matters;

- (b) regroupment of Vietnamese People's Volunteers/"Pathet Lao" forces in the Provisional Assembly Areas was fixed for 5th September, 1954. The French Union troops had completed their concentration by 21st August, 1954, in conformity with Article 11;
- (c) routes of withdrawal of the French Union and Vietnamese People's Volunteer forces from the Provisional Assembly Areas out of Laos as well as the routes within Laos for the movement of the fighting units of "Pathet Lao" were also drawn up;
- (d) withdrawal of all the above-mentioned forces, excepting those covered by Articles 6, 8 and 14, was to be completed by 21st November, 1954.

52. A subsequent letter dated 9th September, 1954 from the Vietnamese People's Volunteers/"Pathet Lao" side proposed certain changes in the route of withdrawal from Lower Laos and proposed that withdrawal from:

- (a) the province of Pakse should commence between 15th and 20th September;
- (b) the province of Attapeu between 15th and 20th October;
- (c) the province of Saravane between 20th and 30th October.

53. All these suggestions regarding the route and schedule of withdrawal of Vietnamese People's Volunteers/"Pathet Lao" troops were accepted by the Franco-Laotian side on 13th September, 1954.

Joint Groups

54. Another agreement was signed between the two parties on 29th August, 1954 on the subject of Joint Groups. The Franco-Laotian suggestion, at first, was to have, under the Joint Commission, twelve Joint Groups scattered in different areas of Laos. The Vietnamese People's Volunteers/"Pathet Lao" side, on the other hand, proposed the establishment of Joint Sub-Committees in the frontier areas under the control of the Joint Commission. In the next set of proposals, the Vietnamese People's Volunteers/"Pathet Lao" side suggested the creation of Joint Sub-Commissions (one at Mahaxay for Middle Laos and the other at Paksong for Lower Laos), in place of the Frontier Sub-Committees. The Franco-Laotian side accepted this proposal, but still insisted on having twelve Joint Groups (six under the Joint Commission and three under each Joint Sub-Commission in Middle Laos and Lower Laos). The agreement

of 29th August finally provided for two Joint Sub-Commissions as suggested by the Vietnamese People's Volunteers/"Pathet Lao" side and for ten instead of twelve Joint Groups as suggested by the Franco-Laotian side.

Ancillary Agreements

55. Further agreements were registered on 13th September when the Franco-Laotian side acceded to the following requests made by the Vietnamese People's Volunteers/"Pathet Lao" side:

- (a) evacuation of the wounded and sick from Lower Laos. The Franco-Laotian side agreed to have them transferred to and treated at Pakse;
- (b) assembly and transportation of Vietnamese People's Volunteers/"Pathet Lao" armaments and munition stocks of Lower Laos. The Franco-Laotian side agreed to transport 15 tons of Vietnamese People's Volunteers/"Pathet Lao" armaments (six from Bassac and nine from East Muong May) from Pakse to Ban Naphao. A bilateral agreement was signed on 17th September, 1954;
- (c) supply for Vietnamese People's Volunteers/"Pathet Lao" troops in Lower and Middle Laos and in Vientiane. The Franco-Laotian side agreed to supply the Vietnamese People's Volunteers/"Pathet Lao" forces with rice during regroupment and withdrawal provided the latter stopped what the Franco-Laotian side called recruitment.

Action by the International Commission

56. The sites and boundaries of the Provisional Assembly Areas having been fixed, the only remaining problem after 30th August was to get an overall agreement regarding the withdrawal of forces thus assembled. The Franco-Laotian side reported having completed the regroupment of French Union forces by 21st August. On 11th September, the International Commission enquired if the Vietnamese People's Volunteers /"Pathet Lao" side too had completed the regroupment of their forces. The Commission was informed that regroupment had been completed in the provinces of Saravane, Pakse and Attapeu. Relating to other provinces, information was not received from the Vietnamese People's Volunteers/"Pathet Lao" side until 29th September, when they announced at the meeting of the International Commission with the Joint Commission that regroupment had been completed.

57. Neither party, however, gave to the other or to the International Commission precise information regarding the movement of its troops sufficiently in advance as to make supervision effective.

SECRET

16

On this subject, the Vietnamese People's Volunteers/"Pathet Lao" side stated on 9th September that the withdrawal of 3,000 Vietnamese People's Volunteers and 1,400 "Pathet Lao" troops would start from Pakse, Attapeu and Saravane on 15th September, 15th October and 20th October respectively. Only a list of the location of French Union troops was received from the Franco-Laotian side on 27th September.

Detailed Information

58. The International Commission, therefore, brought the subject up at its meeting with the Joint Commission between 29th September and 5th October. It succeeded in securing some information from both sides. The Vietnamese People's Volunteers/"Pathet Lao" side gave the total strength of their effectives and their routes of withdrawal.

59. The Chief of the Franco-Laotian Delegation, however, made it clear that he "had no objection to inform the International Commission in good time of the details of troops withdrawals", but that "as long as he did not know the dates of withdrawal and the size of the forces of the other party, the Franco-Laotian Delegation would not give any information of its own troops of the same nature." Following this, the Vietnamese People's Volunteers/"Pathet Lao" side, at the request of the International Commission, gave a breakdown of their troops according to each Provisional Assembly Area. They stated that troops would start withdrawing from Vientiane area on 1st October. On 5th October, they further intimated that two "Pathet Lao" Companies had already been withdrawn from the provinces of Savannakhet and Thakhek, and that one more "Pathet Lao" Company and one Vietnamese People's Volunteers battalion would start evacuating on 20th October and 15th November respectively. At its meeting of 9th October, the International Commission noted once again that the two parties had failed to inform it of the agreed dates of withdrawal. On 12th October, the Vietnamese People's Volunteers/"Pathet Lao" side gave a more detailed plan of withdrawal. The Franco-Laotian side too forwarded a rough plan as well as a schedule of withdrawals on 13th October. At this stage, it was apparent that more detailed information would not be forthcoming and that the Joint Commission and the International Commission would have to ensure satisfactory execution of the withdrawals on the information so far made available.

Supervision of Withdrawals

60. The International Commission had planned to keep itself informed of the progress of withdrawals through its Fixed Teams

which were in constant touch with the Joint Sub-Commissions/Joint Groups and, in addition, had arranged to send out Mobile Teams to check the moves at starting points and at suitable places en route. In view of the fact, however, that precise information could not be provided by either of the parties sufficiently in advance, the Commission decentralised supervision of withdrawals to the Fixed and Mobile Teams in their areas of responsibility. The Teams were given all the information that was available and were directed to obtain details of the actual date and time of moves from local Commanders or Joint Sub-Commissions.

Completion of Withdrawals

61. On 1st November, 1954, the subject was again reviewed at a meeting of the International Commission with the Joint Commission. Both sides assured the Commission that their forces were carrying out the withdrawals satisfactorily. The Vietnamese People's Volunteers/"Pathet Lao" side stated that their units had been completely withdrawn from the provinces of Vientiane, Attapeu, Pakse, Savannakhet and Saravane and that those assembled in the other provinces would be evacuated according to schedule. The Franco-Laotian side, too, stated that all except 250 French Union troops (not including those which could be retained in Laos under Articles 6 and 8) had left the country. It might be noted that the Delegations to the Joint Commission were under the impression that withdrawals and transfers were to be completed by 21st November. The parties were informed by the International Commission in a Communication dated 4th November that the withdrawal should be completed by 0800 hours on 19th November, 1954, as laid down under Article 4(a) of the Geneva Agreement. The evacuation of all French Union troops, except those which were to be maintained in Laos under Articles 6 and 8, was completed by 19th November. The last Vietnamese People's Volunteers units left Lower Laos on 15th November and Middle Laos on 16th November. Those stationed in Phong Saly had to postpone their final date of departure because of the lack of transport and medical arrangement and completed their withdrawal by 22nd November.

Difficulties Experienced in carrying out Supervision

62. The International Commission has pleasure in reporting that, by and large, withdrawals were carried out without any clash or incident between the forces of the two parties. The details of withdrawals of which prior notice was given and the supervision as carried out by the International Commission is given in Appendices "A" and "B". The Commission would, however, like to bring out

SECRET

18

some of the salient problems and difficulties experienced in the course of supervising these withdrawals.

Withdrawal of French Union Forces

63. The problem of the withdrawal of the French Union Forces was not clear-cut in that the French High Command was entitled to leave behind at Seno a force of 3,500 men and also transfer, 1,500 French personnel to the Laotian National Army. Therefore, the French forces did not merely have to leave the country but also to disperse their personnel to the various places where they were required by the Royal Laotian Government. In the case of troops for the French Union Garrison at Seno, they even brought a sub-unit from Vietnam, to complete the battalion. The procedure adopted by the French High Command was to disperse the personnel for the Laotian National Army directly from the Assembly Areas and concentrate the remainder of the French forces in Seno. Owing to lack of surface communications in the North, the forces from Luang Prabang and Plaine-des-Jarres were moved to Seno in small detachments as and when space was available in any of the aircraft on routine flights from those places. Some of these reorganised units were retained at Seno as part of the 3,500 personnel and the others moved out along with other surplus units from Seno. Thus, the main exodus out of Laos of the French Union Forces was from Seno.

Withdrawal of Vietnamese People's Volunteers and the "Pathet Lao" Forces

64. The Provisional Assembly Areas of the Vietnamese People's Volunteers/"Pathet Lao" forces were located in the areas away from the main arterial roads. Access to these areas by surface transport was difficult and restricted in that all the tracks and roads leading to them had been damaged and the various rivers and small streams could not be forded by motor vehicles. Secondly, their routes of withdrawal too were mostly cross country along foot-paths except for a very small portion of the road in the area of Saravane.

It was reported that these units had no facilities for providing wireless communication and consequently no exact information could be given with regard to the progress of withdrawal along the route or of last minute changes in their plans. Their plans were liable to interference by climatic conditions and occasional floods in the rivers across their routes. Lastly, they also had to organise special dumps of rice-supplies along their route and it was reported by

them that the programme of dumping of these stocks was not always to schedule. This was due, according to them, to the fact that the Franco-Laotian side had failed to give them rice under the agreement of 13th September.

Identification of Units

65. Identification of either the Vietnamese People's Volunteers or the "Pathet Lao" units was not possible. No details as to the identity of these units were given, nor could they be checked by the Joint Groups or the International Commission Teams as they were no badges or distinguishing signs by which personnel could be identified. It was only possible to ascertain the number of the personnel in a column, and whichever column was controlled its numbers were noted. The French Union Units, on the other hand, were easily identifiable. Their strength and identity was noted down whenever a check was made.

Co-operation between Two Parties in Joint Groups

66. The Commission would like to draw attention to the fact that owing to a considerable amount of distrust and also differences of opinion with regard to the positioning of Joint Groups, all the withdrawals were not actually followed by the Joint Groups. In the northern provinces only one withdrawal, that is from the "Pathet Lao" Provisional Assembly Area in the province of Luang Prabang, was actually followed by a Joint Group. The Vietnamese People's Volunteer forces withdrawing from the Assembly Areas of Sam Neua and Phong Saly and the Vietnamese People's Volunteers/"Pathet Lao" forces withdrawing from the Provisional Assembly Area of Tourakom in the province of Vientiane, were not followed by the Joint Groups. But the troops from Tourakom were partly checked by the Joint Group along with an International Team at the frontier of Laos. Similarly the French Union Forces, leaving Luang Prabang and Plaine-des-Jarras and Vientiane by air, were not checked by the Joint Groups. In the southern provinces within the Paksong Sub-Commission zone, some attempt was made by the Joint Groups to follow the withdrawals, but there were a number of complaints by both the parties that some of the moves took place without the knowledge of the Joint Groups. Complaints were received from the Vietnamese People's Volunteers/"Pathet Lao" side that their representatives were not informed of the schedule of moves for the French Union Forces leaving Seno. Similarly, complaints were made by the Franco Laotian representatives that the Vietnamese People's Volunteer/"Pathet Lao" forces had deviated from

their authorised route and had also changed the schedule at the last minute. The withdrawals carried out in the area under the control of the Mahaxay Sub-Commission, however, seemed to have been quite satisfactory. Each time when the failure to follow a withdrawal by either of the parties was reported to the International Teams, they went out to check the column personally in addition to the normal plans that they had made for carrying out their own checks.

Transport Difficulties

67. Owing to last minute non-availability of helicopters, the withdrawals of the Vietnamese People's Volunteer troops in the province Phong Saly and Sam Neua and of the "Pathet Lao" troops in the province of Luang Prabang could not be satisfactorily checked by the international Teams.

Withdrawals During August & September

68. It is to be noted that during the period from August until the first week of October, when the Delegations to the Joint Commission were not giving each other precise information regarding the movements of troops of either Party, certain number of troops of both the Parties withdrew, particularly during September, without the knowledge of either the Joint Commission or the International Commission. This concerns particularly the French Union troops which moved out of the Assembly Areas of Luang Prabang and Plaine-des-Jarres and Vientiane in small detachments or even at times in ones and twos. Owing to the fact that personnel for all our Teams had not arrived during September and no Fixed Teams could be located at either Luang Prabang or Plaine-des-Jarres, the Commission could not have checked them. In the case of Vietnamese People's Volunteers/"Pathet Lao" forces, there were reports of their units moving in September without giving prior information. As a result of one such complaint, a Mobile Team was rushed out at short notice to verify this information, but owing to transport difficulties this Team could not actually reach the required place. But the Vietnamese People's Volunteers/"Pathet Lao" Delegation on the Joint Sub-Commission at Mahaxay confirmed that one Vietnamese People's Volunteers unit had moved on 28th September, and that owing to various problems, such as floods etc., sufficient notice could not be given to the other party.

Conclusion

69. In conclusion it may be said that owing to difficult terrain monsoon and weather, particularly till the end of September, and

mutual distrust between the two Parties, and the fact that the Commission staff and its Teams did not get fully set up till early October, the withdrawals were not checked in toto by either the Joint Groups or the International Teams. While it is true that some movements and withdrawals were carried out during the month of September, the Commission is satisfied that the bulk of the withdrawals were carried out during October and November and that those were checked to a considerable extent. It is reiterated that there were no clashes between the two Parties on the routes of withdrawal, nor were there any major incidents in the Provisional Assembly Areas at the time of evacuation by the forces of either Party. Finally, it is stressed that the Commission has had to rely to some extent on the assurances given by the two Parties that they have completely withdrawn their forces in accordance with the terms of the Geneva Agreement.



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CHAPTER IV

SPECIAL CONVENTION REGARDING VIETNAMESE PEOPLE'S VOLUNTEERS SETTLED IN LAOS BEFORE HOSTILITIES

70. Article 4, para (b) of the Geneva Agreement reads: "The withdrawals of the Vietnamese People's Volunteers from Laos to Vietnam shall be effected by provinces. The position of those volunteers who were settled in Laos before the hostilities shall form the subject of a special convention".

Letter to the Parties

71. The International Commission in its letter of 30th August to the Heads of the Franco-Laotian and Vietnamese People's Volunteers/ "Pathet Lao" Delegations requested that the subject of the special convention be given a high priority and that the convention be drawn up as early as possible in view of the fact that the withdrawal and transfer of the People's Volunteers of Vietnam were to be completed within 120 days from the day on which the Cease Fire Agreement entered into force. It requested further that the special convention take into account, not only the Vietnamese who were settled in Laos and now belonged to the Vietnamese People's Volunteers but also similar Vietnamese who might be serving in the "Pathet Lao" and French Union Forces. The Vietnamese who were not defined by the convention as having the right to settle in Laos should then be transferred to the Assembly Areas set apart for foreign forces.

View points of the Parties

72. The points of view of both sides were presented at the session of the International Commission with the Joint Commission on 29th and 30th September, 1954.

73. The Franco-Laotian Party represented that it had presented the other Party with a rough draft for such a convention and was anxious for its conclusion because it was essential to the realisation not only of the disengagement of the forces of the Vietnamese People's Volunteers from those of "Pathet Lao" (Article 12) but also to the withdrawal and transfer of the Vietnamese People's Volunteers. The Franco-Laotian side promised to submit another draft after consulting the Royal Government, both to the International

Commission and to the other Party. The Franco-Laotian Delegation, however, declared that should the convention not be signed by the date by which the forces of the Vietnamese People's Volunteers were to leave Laos, the Royal Government had decided that no exception would be made with respect to those individuals who were settled in Laos before the hostilities and were of Vietnamese nationality.

74. The Vietnamese People's Volunteers/"Pathet Lao" Delegation represented that while all Vietnamese Volunteers who had fought in Laos would be completely withdrawn to Vietnam before the due date, the Vietnamese immigrants settled in Laos had the right to enjoy fundamental democratic freedoms as well as the right to reside in Laos just as any immigrant from any other country. It added that should the Franco-Laotian Party wish to settle the situation in a different manner, that would be the responsibility of the two Governments concerned the Government of Democratic Republic of Vietnam and the Royal Government of Laos. As the matter was a political one, the Vietnamese People's Volunteers/"Pathet Lao" Delegation was not competent to enter into discussion on this question, but was ready to study any proposal that the Franco-Laotian Delegation may make, and to advise its High Command on it.

Declaration by Vietnamese People's Volunteers/"Pathet Lao" Delegation.

75. At the request of the International Commission, the question of the special convention was again raised during the meeting of the International Commission and the Joint Commission, on 2nd November, 1954.

76. The Chief of the Vietnamese People's Volunteers/"Pathet Lao" Delegation made the following declaration:

77. "Article 4, paragraph (b) of the Geneva Agreement states that the withdrawal of the Vietnamese People's Volunteer forces from Laos to Vietnam will be effected by provinces and that the position of these Volunteers who have settled in Laos before the hostilities would form the subject of a special convention. Following the policy of peace rigorously followed by the Government of the Democratic Republic of Vietnam, the Government of the Democratic Republic of Vietnam and the High Command of the Vietnamese People's Volunteers are firmly decided to implement the Geneva Agreement by withdrawing totally all the Vietnamese People's Volunteers forces from the territory of Laos, thus rendering it unnecessary to set up a special convention regarding the position of these Vietnamese Volunteers who have settled in Laos before the hostilities.

78. As a representative of the High Command of the Vietnamese People's Volunteers army, I solemnly declare that the High Command of the Vietnamese People's Volunteers army has decided to withdraw completely all the forces of the Vietnamese People's Volunteers from Laos to Vietnam in conformity with the date provided for in the Geneva Agreement. The High Command of the Vietnamese People's Volunteer Forces will make a similar declaration concerning the complete withdrawal of all forces of the Vietnamese People's Volunteers from the territory of Laos to Vietnam"

Reaction of the Franco-Laotian Delegation

79. The Chief of the Franco-Laotian Delegation took note of this declaration which, according to him, was made in lieu of the special convention and requested its transmission also to the Royal Laotian Government. He pointed out that this declaration was a unilateral decision and was against the text which was freely signed by both the parties.

80. By way of further clarification as to whether the Volunteers established in Laos before the hostilities, but who joined the "Pathet Lao" forces, were included among those to be withdrawn from Laos before 19th November, the Chief of the Vietnamese People's Volunteers/"Pathet Lao" Delegation said that his declaration referred to all Volunteers of Vietnam who had fought in Laos.

Not a live issue

81. In the circumstances the Commission feels that for the time being the question of the special convention is not a live issue.

CHAPTER.

REMOVING AND NEUTRALISING MINES

82. Article 3 of the Geneva Agreement stipulated that all operations and movement entailed by the cessation of hostilities and regrouping must proceed in a safe and orderly fashion. In this respect, it particularly provided, in Article 3(a), that within a number of days to be determined by the Joint Commission, each Party should be responsible for removing and neutralising mines, booby traps, explosives and any other dangerous substance placed by it. In the event of its being impossible to complete the work of removal and neutralisation in time, the Party concerned was required to mark the spots by placing visible signs there.

Khang Khay Agreement

83. A further agreement was signed between the two Parties at Khang Khay on 29th August, 1954 that all such mines and booby traps on the routes of withdrawal and important lines of communication and vicinity of populated areas would be removed, and in case such removal was impossible, they would be fenced in. This agreement was also to apply within the Provisional Assembly Areas.

Removal Operations

84. The removal and neutralising of mines and booby traps for ensuring the safety and regrouping of forces in an orderly fashion did not raise any problem. Generally speaking, the forces of the two Parties were not in close contact with each other and did not have to move to their regrouping zone through areas held by the other Party. It was reported, in fact, that the mines and booby traps were systematically laid only in a few places and these were properly marked and were generally within a barbed wire enclosure. Some mines and booby traps were said to have been laid at old places as "nuisance minefields", of which neither side had maintained charts, but these were in jungles round about the hide-outs of irregular troops.

Implementation

85. Both the Parties gave an assurance on 29/30th September 1954 that the agreement had been fully implemented. The International Commission records with pleasure that throughout the move of the forces to the regrouping areas and during their withdrawal that followed, there was no complaint or report of any casualty due to mines or booby traps.

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CHAPTER VI

PRISONERS OF WAR AND CIVILIAN INTERNEES

86. Quite early in its career, the International Commission took up the question of liberation and repatriation of the prisoners of war and civilian internees with the Joint Commission.

Article 16 of the Geneva Agreement laid down that:—

“The liberation and repatriation of all prisoners of war and civilian internees detained by each of the two Parties at the coming into force of the present Agreement shall be carried out under the following conditions:—

- (a) all prisoners of war and civilian internees of Laotian and other nationalities captured since the beginning of hostilities in Laos, during military operations or in any other circumstances of war and in any part of the territory of Laos, shall be liberated within a period of thirty (30) days after the date when the cease fire comes into effect;
- (b) the term “civilian internees” is understood to mean all persons who, having in any way contributed to the political and armed strife between the two Parties, have been arrested for that reason or kept in detention by either Party during the period of hostilities;
- (c) all foreign prisoners of war captured by either Party shall be surrendered to the appropriate authorities of the other Party, who shall give them all possible assistance in proceeding to the destination of their choice”.

This specified that:—

- (i) only those taken prisoners or detained in Laos would be the subject of an exchange;
- (ii) all Laotian and foreign prisoners of war and civilian internees would be liberated by 5th September, 1954.

Lists, Numbers and Plans of Release

87. The International Commission at its fourth meeting (17th August, 1954) decided to ask the Vietnamese People's Volunteers/

"Pathet Lao" and Franco-Laotian Delegations to submit to it lists, numbers and plans of the release of prisoners of war and civilian internees. The Commission noted at its meeting of 1st September, 1954 that the Franco-Laotian Delegation had communicated the numbers of prisoners of war and civilian internees.

88. The Vietnamese People's Volunteers/"Pathet Lao" side, on the other hand, submitted on 17th August, 1954, a project regarding the procedure for the exchange of prisoners of war and civilian internees. The following were the salient features:—

- (a) all prisoners of war and civil internees will be liberated and handed over by each Party. Each Party is responsible for handing over to the other all prisoners of war and civil internees;
- (b) prisoners of war who are not of Laotian nationality and civilian internees of Vietnamese nationality will be handed over and received at Sam Son (Province of Thanh Hoa, Vietnam);
- (c) prisoners of war and political officers of Laotian nationality of each side will be handed over and received at a suitable place in the Province of Sam Neua (Laos);
- (d) Laotian civilian internees will be liberated in the provinces in which they were captured;
- (e) the Joint Commission* for Laos is responsible for the handing over of prisoners of war and civilian internees as follows:—
 - (i) handing over of prisoners of war and political officers —The two Parties will send special envoys to the place earmarked, to carry out the plan of the Commission and to report to the Joint Commission regarding the prisoners of war and officers of their side;
 - (ii) if necessary, the Joint Commission will detail special envoys to control the handing over of civil internees in the different provinces. The local civil authorities should give all possible help to these operations.

*No special organisation for exchange should be set up.

89. The Franco-Laotian Delegation immediately agreed, but only to point (b) of the Vietnamese People's Volunteers/"Pathet Lao" project, in conformity with which 195 French Union prisoners of war were handed over by the Vietnamese People's Volunteers/"Pathet Lao" side on 11th September, 1954 in exchange for 109 (35 prisoners of war and 74 civil internees) Vietnamese liberated by the Franco-Laotian side on 8th September, 1954. The bulk of the Laotian prisoners of war remained unaccounted for, and thus the two Parties failed to keep to the time-table laid down under Article 16 of the Geneva Agreement. The International Commission contacted them again, but no agreement could be reached between the Parties before 27th September, 1954.

Agreement Between Parties.

90. The agreement between the Vietnamese People's Volunteers/"Pathet Lao" and the Franco-Laotian Delegations of 27th September, 1954 incorporated all the five points enumerated above of the Vietnamese People's Volunteers/"Pathet Lao" project of 17th August, 1954. It divided all prisoners into three categories:—

- (a) prisoners of war and political internees of non-Laotian or Vietnamese nationality;
- (b) Laotian prisoners of war and political internees; and
- (c) ordinary civilian internees of Laotian nationality. It gave the exact number of prisoners held by each Party under each category, and laid down that the first category should be exchanged at Sam Son in the province of Thanh Hoa (Vietnam), the second at Hua Muong in the province of Sam Neua (Laos) and the third either at Ban Phon Hong (Laos) and Mahaxay (Laos) or at a place selected by the local authorities of the place of detention. In all, the Vietnamese People's Volunteers "Pathet Lao" and the Franco-Laotian sides agreed to exchange, in addition to 309 prisoners released on 8th and 11th September, 1954, 266 prisoners of all categories held by the former and 101 held by the latter, by 10th October, 1954. Finally the two Parties contracted to make enquiries as regards the prisoners of war and civil internees claimed by the other but still remaining untraced.

Number Claimed Vs. Number Released

91. The progress made with regard to the problem of prisoners of war and civil internees can be gauged by comparing the actual release figures and the claims during the period anterior and posterior to the agreement of 27th September, 1954.

I. French Union prisoners of war and civil internees

Date	Held by the PVV/PL according to F/L	Admitted by the PVV/PL	Released by the PVV/PL
Before 27th September, 1954.	167 PsOW 10 CIs	350 PsOW 6 Pol Internees	195 PsOW (F/L say 5 more were released)
Between 27th September and 10th October.		250 PsOW (as stated) by the PVV/PL at the meeting of the International Commission with the Joint Commission on 29th September, 1954).	15 OPsOW
TOTAL	177	606	345

II. Laotian Prisoners of War and Civil Internees

Date	Held by PVV/PL according to F/L	Admitted by the PVV/VL	Released by the PVV/PL
Before 27 Sept. 1954	383 PsOW 703 CIs	27 PsOW 38 Pol Internees	5 PsOW (F/L deny this).
Between 27 Sept. and 10th October 1954.	518 PsOW	45 PIs.	
TOTAL	1604	110	5 (F/L deny this)

III. Vietnamese Prisoners of War and Civil Internees

Date	Held by the F/L according to PVV/PL.	Admitted by th F/L	Released by the F/L
Before 27 Sept. 1954	293 PsOW & CIs	36 PsOW 74 CIs and Pol Internees	36 PsOW 73 Pol Internees
Between 27 Sept. and 10th October 1954.	50 PsOW & CIs	19 Pol Internees	19 Pol Internees
TOTAL	343	129	128 (excluding one in hospital)

IV. "Pathet Lao" Prisoners of War and Civil Internees

Date	Held by F/L according to PVV/PL	Admitted by the F/L.	Released by F/L.
Before 27 Sept. 1954	55PsOW & CIs	15 PsOW 14 Pol Internees (of whom 2 escaped) 52 CIs (of whom 7 escaped).	
Between 27 Sept. and 10 Oct. 1954.	99PsOW & CIs		45 CIs.
TOTAL	154	81 (including 9 who escaped)	45

92. It will be noted from the tables that:—

- (a) both the Vietnamese People's Volunteers/"Pathet Lao" and the Franco Laotian sides failed to keep to the schedule of release. Up to 10th October, 1954 the Vietnamese People's Volunteers/"Pathet Lao" side had released 350 prisoners of war and civil internees instead of 716 as promised by them. Similarly, the Franco-Laotian side released 173 instead of 210 prisoners of war and civil internees;
- (b) each Party claimed that the other had a greater number of prisoners of war and civil internees than it actually admitted. This was most glaring in the case of Laotians presumed to be held by the Vietnamese People's Volunteers/"Pathet Lao" side. (see Table II). Similar divergencies may also be noted in Table III;
- (c) the Franco-Laotian side accused the Vietnamese People's Volunteers/"Pathet Lao" side of holding 703 Laotian civil internees. The Vietnamese People's Volunteers/"Pathet Lao" side, on the other hand, denied having held any civil internees at any time.

Prisoners of Laotian Nationality

93. The situation was rendered confused by the claims which the Franco-Laotian side forwarded subsequent to the agreement of 27th September, 1954. The first one, dated 29th September, 1954 gave precise figures, according to each province, of the Laotian civil internees alleged to be held by the Vietnamese People's Volunteers/"Pathet Lao" side. But the total number of civil internees (557)

given in this document was less than (703) given by the Franco-Laotian side on 23rd September, 1954. This figure was increased to 758 on 19th October, 1954 in a second document and finally to 900 as given in a document of 20th December, 1954. The most significant rise was in the case of the province of Xieng Khouang, where the Franco-Laotian figures went up from 28 to 187. The same document of 20th December, 1954 brought up the number of Laotian prisoners of war to 999.

Prisoners of War & Civil Internees of French Union

94. The Vietnamese People's Volunteers/"Pathet Lao" and Franco-Laotian figures, 606 and 177 respectively, regarding the French Union prisoners of war and civil internees, however, remained the same as before, and no attempt was made by the latter to claim the additional French Union prisoners of war and civil internees offered by the former. As a possible explanation of this divergence, the Franco-Laotian Delegation stated, at the meeting of the International Commission with the Joint Commission on 29th September, that during the war, there were several mobile groups which came from South Vietnam, North Vietnam and Central Vietnam which fought in Laos and lost certain men who were taken prisoners but within units which did not belong to Laotian Forces. They added that that was probably the reason why the other Party was handing over more prisoners than the Franco-Laotian side had claimed. In fact, towards the end of September, 1954 the Franco-Laotian Delegation had requested the Vietnamese People's Volunteers/"Pathet Lao" Delegation to hand over 400 prisoners of war who were captured in Laos but belonged actually to the French Army in Vietnam.

95. The total number of prisoners of war and civil internees claimed by the Franco-Laotian side is therefore as follows:—

Laotian prisoners of war	..	999
Laotian civil internees	..	900
French Union prisoners of war	..	167
French Union civil internees	...	10
Total		<hr/> 2076 <hr/>

Vietnamese Prisoners of War and Civil Internees

96. The total number of prisoners of war and civil internees claimed by the Vietnamese People's Volunteers/"Pathet Lao" side under this category increased from 343 to 399.

SECRET

32

"Pathet Lao" Prisoners of War and Civil Internees

97. The Vietnamese People's Volunteers/"Pathet Lao" side claimed 266 instead of 154 prisoners of war and civil internees from the Franco-Laotian side.

98. The total number of prisoners of war and civil internees claimed by the Vietnamese People's Volunteers/"Pathet Lao" side from the France-Laotian side is, therefore, as follows:—

Vietnamese Prisoners of War and Civil internees	399
"Pathet Lao" Prisoners of war and Civil internees	266
Unspecified (whether PVV or "PL") Prisoners of War and Civil Internees	20
Total	685

99. The following is the resume of the number of prisoners of war and civil internees claimed, admitted held and released between 10th October, 1954 and 31st December, 1954:

Claimed	Admitted held	Released after 10 Oct*.	
Laotian PsOW & CIs. 197 CIs 98 PsOW	45	According to F/L 152	According to PVV/PL 154
French Union PsOW & CIs.		According to F/L 300	According to PVV/PL 296
		452	450
Vietnamese PsOW & CIs 56		According to F/L 11 (released outside Laos)	
"Pathet Lao" PsOW & CIs 112		According to F/L 47	According to PVV/PL 47
(excluding 20 unspecified PsOW & CIs whether PVV or PL).		TOTAL 58	47

Divergence

100. The following are the differences existing between the Vietnamese People's Volunteers/"Pathet Lao" and the France-Laotian sides (Appendix C):—

- (a) as against 2,076 prisoners of war whom the Franco-Laotian side claimed, the Vietnamese People's Volunteers/"Pathet

* These include certain number of prisoners of war and civil internees admitted held before 10th October

Lao" side declared that they held 761 (excluding 10 who died) but actually released 859. As against 685 prisoners of war and civil internees whom the Vietnamese People's Volunteers/"Pathet Lao" side claimed, the Franco-Laotian side declared that they held 232 (excluding 9 who escaped and 53 who died) and released 231 (excluding one sick). Thus, both the Vietnamese People's Volunteers/"Pathet Lao" and the Franco-Laotian sides completed the exchanges as originally agreed to by the two Parties on 27th September, 1954.

- (b) as against 167 French Union prisoners of war whom the Franco-Laotian side claimed for the Laotian theatre of war, the Vietnamese People's Volunteers/"Pathet Lao" side declared that they held 600. The release figure according to the Vietnamese People's Volunteers/"Pathet Lao" side was 694 (including 59 Cambodians); according to the Franco-Laotian, 634 (excluding 59 Cambodians). The International Commission, in its letter of 14th December, 1954, recommended that the Franco-Laotian side should be asked to intimate to the Commission whether 167 prisoners of war claimed by them figured among 694 French Union prisoners of war released according to the Vietnamese People's Volunteers/"Pathet Lao" side. The Franco-Laotian side replied that information about 97 only of these had so far been received from the other Party;
- (c) as against 10 French Union civilians (of whom 7 were clergymen) demanded by the Franco-Laotian side, the Vietnamese People's Volunteers/"Pathet Lao" side said that they held 6, and released 6. The Franco-Laotian side agreed that they had received 6, of whom 4 were clergymen and 2 civilians;
- (d) the Vietnamese People's Volunteers/"Pathet Lao" side claim to have liberated 1,079 prisoners of war and 61 political internees before the cease fire, between April, 1953 and July, 1954. If these are added to the figures of Laotians exchanged after the cease fire, the total release would then be 1,747 prisoners of war (excluding 59 Cambodians) and 193 political internees, as against 999 prisoners of war and 900 civil internees claimed by the Franco-Laotian side. The International Commission has recommended that the Joint Commission should compare the nominal rolls to check whether the 876* prisoners of war still claimed by the Franco-Laotian side

* According to a letter from the Franco-Laotian side of 20th December, this number has increased to 965.

are included in the list of 1,079 prisoners of war claimed to have been released by the Vietnamese People's Volunteers/ "Pathet Lao" side. The Franco-Laotian side has replied that the list of 1,079 prisoners of war given to them does not tally with their own;

- (e) the Vietnamese People's Volunteers/"Pathet Lao" side claimed 399 Vietnamese People's Volunteers prisoners of war and civil internees, and were handed over 139 (excluding one sick) whom the Franco-Laotian side admitted having held. Similarly, out of 266 "Pathet Lao" prisoners of war and civil internees demanded by the Vietnamese People's Volunteers/"Pathet Lao" side, 81 were reported by the Franco-Laotian side to be under detention, but actually 92 were released. The International Commission has asked the Franco-Laotian side to submit an explanation regarding the balance of prisoners of war and civil internees still claimed by the Vietnamese People's Volunteer's/"Pathet Lao" side. A similar explanation was asked for from the Vietnamese People's Volunteers/"Pathet Lao" side;
- (f) there were glaring differences regarding the number and categories of prisoners of war and civil internees exchanged. In most cases, the differences were due to the difficulty in fixing the identity or the category of the person exchanged. Thus, on 11th September, 1954, the Franco-Laotian side claimed to have received 200 French Union prisoners of war. The Vietnamese People's Volunteers/"Pathet Lao" side say that they handed over 195 French Union prisoners of war and 5 Laotian prisoners of war. Similarly, the Vietnamese People's Volunteers/"Pathet Lao" side claim that of the 88 persons handed over by them on 15th October, 1954, 7 were Laotian prisoners of war and 81 Laotian political internees—the Franco-Laotian side say that 13 were prisoners of war and 75 were civil internees. Out of 220 Vietnamese and "Pathet Lao" prisoners of war and civil internees handed over by the Franco-Laotian side, 36 according to the Franco-Laotian side were Vietnamese prisoners of war, 38 Vietnamese political internees, 54 Vietnamese civil internees, 15 "Pathet Lao" prisoners of war, 32 "Pathet Lao" political internees and 45 "Pathet Lao" civil internees. According to the Vietnamese People's Volunteers/"Pathet Lao"

side there were 25 Vietnamese prisoners of war, 19 political internees, 74 civil internees, 7 "Pathet Lao" Prisoners of War, 6 political internees, 71 civil internees and 18 had not taken part in any political or military activity. These 18, according to the Vietnamese People's Volunteers/"Pathet Lao" side, should not have been exchanged, since they were not covered by Article 16 of the Geneva Agreement. Similarly, at least on two occasions, according to the Franco-Laotian side, the prisoners who were to have been handed over by the Vietnamese People's Volunteers/"Pathet Lao" side were replaced by others;

- (g) two classes of prisoners of war (the Cambodians captured in Laos but not belonging to the French Union forces in Laos, and the People's Volunteers of Vietnam who fought in Laos but were captured in Vietnam) were separately exchanged under Article 16 of the Geneva Agreement. 59 Cambodians and 11 Vietnamese were released by the Vietnamese People's Volunteers/"Pathet Lao" side and the Franco-Laotian side respectively. The Vietnamese People's Volunteers/"Pathet Lao" side have not, however, acknowledged receipt of these 11 Vietnamese;
- (h) certain differences in the claims and the actual release figures may be due to the prisoners having died in captivity;
- (i) according to the Vietnamese People's Volunteers/"Pathet Lao" side, 13 French Union and 10 Laotian prisoners of war and political internees died in captivity. The Franco-Laotian side on the other hand, have communicated a list of 53 dead "Pathet Lao" prisoners of war and civil internees.

Political Internees and Ordinary Civilian Internees.

101. The basic difference in the complaints lodged by the Vietnamese People's Volunteers/"Pathet Lao" side and those by the Franco-Laotian side is that while the former say that the latter are handing over to them "civilian instead of prisoners of war and political internees", the Franco-Laotian side say that the Vietnamese People's Volunteers/"Pathet Lao" side have been detaining a large number of civilians. These civilians may be conveniently described in the following categories:—

(a) *Political Internees.*

are those who took part in political activities. The exact Franco-Laotian and Vietnamese People's Volunteers "Pathet Lao" claims are not known. The Franco-Laotian side say that they have handed over 70 political internees (38 Vietnamese and 32 Laotian). The Vietnamese People's Volunteers/"Pathet Lao" side claim to have released 61 Laotian political internees before the cease fire and handed over another 132 political internees (126 Laotians and 6 French Union) after the cease fire;

(b) *Ordinary Civilian Internees*

The Vietnamese People's Volunteers/"Pathet Lao" side deny holding any ordinary civil internees. They assert that their organisation was based on voluntary co-operation and that they never followed a policy of victimisation. Hence they have scrupulously maintained that the 193 Laotian civilians so far released or handed over by them were all political internees and not ordinary civilian internees. The Franco-Laotian side, on the other hand, have received most of these prisoners as ordinary civilian internees. They have moreover given a list, according to each province, of civil internees presumed to be held by the other party. They have accused the Vietnamese People's Volunteers/"Pathet Lao" side of detaining in Sam Neua 180 administrative officers and other civilians belonging to that province as well as civilians (like the former Governor of Xieng Khouang) of other provinces. Their second accusation is that the Vietnamese People's Volunteers/"Pathet Lao" side refused to hand over many of the prisoners on the plea that these prisoners wished to stay under the "Pathet Lao" administration. How far this is correct, it is difficult to estimate. By 31st December, 1954, the position of the Vietnamese People's Volunteers/"Pathet Lao" side, in this regard, was not known.

The exact number of civil internees now claimed by the Vietnamese People's Volunteers/"Pathet Lao" side is 226, besides some among the 20 persons mentioned above as "unspecified". The Franco-Laotian side handed over to them 99 ordinary civil internees (54 Vietnamese and 45 "Pathet Lao"). The Vietnamese People's Volunteers/"Pathet Lao" side accuse that many of these civilians "never took part in any political or military activity and

hence should not have been exchanged" under Article 16 of the Geneva Agreement.

Conclusion

102. The schedule of release of prisoners of war and civil internees laid down in the Geneva Agreement was not adhered to.

The whole issue of prisoners of war and civil internees has been complicated by the contradictory statements emanating not only from the two Parties but also at times from the same Party. These contradictions, as has been mentioned above, have resulted partly from the different categorisation of the same prisoners of war and civil internees by the two Parties. Sometimes they have been due to faulty calculation. Discrepancies may also have crept in because of the capture or release of some prisoners of war and civil internees outside Laos.

103. There are other possibilities, not necessarily proven by evidence in specific cases, but common in any warfare of guerilla nature, that may have contributed to the considerable discrepancies evident in this report.

104. Defections and desertions are bound to occur where two factions of one race are in political conflict. It could be assumed that some prisoners of war claimed by either side are not rightly classed as such but were in fact deserters. Others, having been taken prisoner, may have joined the ranks of their former opponents.

105. In jungle warfare the method of handling prisoners of war and internees differs from that in orthodox warfare and permits increased escapes and deaths from exposure, malnutrition and tropical diseases.

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CHAPTER VII

COMPLAINTS (FORCED RECRUITMENT)

France Laotian Allegation

106. While the disengagement and regroupment of troops under the Geneva Agreement was in progress, the Franco-Laotian Delegation complained to the Vietnamese People's Volunteers/"Pathet Lao" Delegation in their letters of 27th August and 3rd September, 1954 regarding forced recruitment alleged to have been carried out by the latter. They maintained that the Vietnamese People's Volunteers/"Pathet Lao" side, taking advantage of their prolonged control over large areas in Laos, due partly to the delays in regrouping, and partly to the delay in the positioning of Joint Groups, had forcibly recruited after 6th August, Laotians in all the provinces of Laos. It was alleged that these recruits were being transferred since 15th August, 1954, by secret routes to Vietnam or to the provinces of Phong Saly and Sam Neua for political indoctrination. After an intensive training, it was further alleged, they were either to be attached to the "Pathet Lao" forces in Phong Saly and Sam Neua or to be sent back to the other provinces of Laos for carrying out political propaganda on behalf of the "Pathet Lao". The Franco-Laotian Delegation expressed their willingness to withdraw the complaint provided the Vietnamese People's Volunteers/"Pathet Lao" side released the recruits and stopped further recruitment of the kind.

Denial of Charge by Vietnamese People's Volunteers/"Pathet Lao" Delegation.

107. By a letter of 8th September, 1954 the Vietnamese People's Volunteers/"Pathet Lao" Delegation denied the allegation of the other Party concerning forced recruitment.

108. Between 27th August and the end of September, 1954, the two Delegations exchanged a number of communications in the matter. Copies of these letters were also endorsed to the International Commission which kept itself acquainted with further developments. On 20th September, 1954, the International Commission requested the Vietnamese People's Volunteers/"Pathet Lao" Delegation to give a fuller statement on the allegations made. The Vietnamese People's Volunteers/"Pathet Lao" Delegation, in their

reply, dated 25th September, 1954 again denied having done any forced recruitment and stated that at the moment they were only regrouping their forces in accordance with the Geneva Agreement.

Control of Vietnamese People's Volunteers/"Pathet Lao" Battalions Marching out of Laos

109. While the question was under discussion in the Commission, a communication was received on 27th September from the French Liaison Mission requesting for the despatch of a Mobile Team to Ban Pha Nop in order to control 3 Vietnamese People's Volunteers/"Pathet Lao" battalions which were made up of allegedly forced recruits and which were expected to pass from that place into Vietnam on 28th-29th September. The Commission immediately decided to send a Team. Unfortunately, the Team was delayed *en route* because of lack of adequate air transport. The Team, however, from the information received from the Vietnamese People's Volunteers/"Pathet Lao" Delegation of the Joint Sub-Commission, Mahaxay, reported that one battalion of the Vietnamese People's Volunteers/"Pathet Lao" side had actually passed into Northern Vietnam on 28th-29th September, but whether there were amongst them any forced recruits, the Team could not, naturally, say. Henceforth the two Parties to the Geneva Agreement were asked to ensure that they gave sufficient notice to the International Commission before their troops marched out of the country. On 5th October, 1954, at a meeting of the International Commission with the Joint Commission at Vientiane, the Franco-Laotian Delegation presented the allegation regarding forced recruitment by the Vietnamese People's Volunteers/"Pathet Lao" side.

Contention of Franco Laotian Delegation

110. The contention of the Franco-Laotian Delegation was:—

- (a) only a legally constituted Government had the right to recruit;
- (b) the "Pathet Lao", not having been recognised as a Government by the signatories of the Geneva Agreement, had no such right to recruit;
- (c) hence, all recruitment carried on by the "Pathet Lao", especially after 6th August, 1954, was, legally speaking, "forced recruitment";
- (d) all such recruits were being withdrawn into the provinces of Phong Saly and Sam Neua either along routes not approved by the two parties or along approved routes at a

date earlier than that fixed by the two parties; this was done in order to avoid checking;

- (e) article 14 of the Geneva Agreement allowed for the entry into Phong Saly and Sam Neua units of combatants and not of recruits;
- (f) such recruitment was against Article 4 and 15 of the Geneva Agreement which guaranteed the democratic rights of people;
- (g) recruitment amounted to a reinforcement, which was prohibited under Chapter 3, Paragraph 5 of the Khang Khay agreement of August 29;
- (h) recruitment meant a compulsory transfer of population, which was prohibited under Chapter 4, Paragraph 3 of the Khang Khay agreement of 29th August.

**Contention of Vietnamese of Vietnamese People's Volunteers/
"Pathet Lao" Delegation**

111. The contention of the Vietnamese People's Volunteers/
"Pathet Lao" Delegation was:—

- (a) never during the 9 year warfare had the Vietnamese People's Volunteers/"Pathet Lao" side carried out forced recruitment, their whole organization being based exclusively on voluntary participation of conscious (*conscients*) combatants;
- (b) after 6th August, they did not have recourse to either forced or voluntary recruitment;
- (c) what the Franco-Laotian side would like to represent as forced recruitment was exclusively regroupment of their combatants who, owing to the conditions of guerilla warfare, were dispersed over the country;
- (d) such women and youngsters as were regrouped with the "Pathet Lao" combatants were all either nurses, cooks, liaison personnel and so on who entered the ranks of the "Pathet Lao" long before 6th August, 1954, or families of combatants who had followed them on a voluntary basis;
- (e) notwithstanding the arguments quoted above, the Geneva Agreement nowhere mentioned the question of forced or voluntary recruitment;
- (f) forced recruitment would, however, be against the spirit of the Geneva Agreement;

- (g) to show that the allegations of the Franco-Laotian Delegation were baseless, the Vietnamese People's Volunteers/"Pathet Lao" Delegation requested the International Commission to investigate into this matter.

International Commission Undertakes Investigation

112. The International Commission gave serious consideration to the matter and agreed to make the necessary investigation and asked:—

- (a) the Franco-Laotian and Vietnamese People's Volunteers/"Pathet Lao" side to inform the international Commission at least 4 days in advance of the plans of evacuation from the Provisional Assembly Areas, since the question of forced recruitment was linked with evacuation plans;
- (b) the Franco-Laotian and Vietnamese People's Volunteers/"Pathet Lao" Delegations to facilitate the work of the investigating Teams by furnishing them with the necessary documents, witnesses, etc.;
- (c) the Franco-Laotian side to supply it with the necessary light aircraft and other means of communication to carry out the investigation;
- (d) the International Commission for Vietnam to check the presence of alleged forced recruits among the Vietnamese People's Volunteers/"Pathet Lao" troops which withdrew from Ban Pha Nop through the Muggia Pass into Vietnam on 29th September.

Method of Checking

113. The International Commission decided that more importance should be laid on the actual checking of the presence of the alleged forced recruits among troops rather than evaluation of paper evidence. For the purpose of investigation on the spot, the International Commission directed the Teams, among other methods, to make random selection of witnesses while checking transfer of troops, or holding investigations, and follow this up with individual interrogation.

Alleged Intimidation by Franco-Laotian side

114. On 12th October, 1954, the Vietnamese People's Volunteers/"Pathet Lao" Delegation lodged a complaint with the International Commission against the Franco-Laotian side that the latter was

procuring evidence with regard to alleged forced recruitment from the people through threat of violence and/or actual violence.

Investigation by teams of International Commission and Results of Investigation

115. Accordingly, the following investigations into the alleged forced recruitment as well as allegation of intimidation for procuring evidence regarding forced recruitment, were conducted by the various Teams of the International Commission, for which purpose a set of questions were made available to the Teams by the International Commission (copy attached as Appendix 'D'):

- (a) in Lao Ngam, in the province of Pakse, the Fixed Team examined witnesses between 4th and 6th October, 1954, and came to the conclusion that enquiries "did not reveal the presence of any forced recruits among the Vietnamese People's Volunteers/"Pathet Lao" troops;
- (b) at Ban Pha Nop, in the province of Thakhek, on 12th October, 1954, the Team of the International Commission carried out investigation in Ban Pha Nop and vicinity concerning the complaint of alleged forced recruitment. The Team made a sample interrogation and came to the conclusion that they saw no evidence of any Laotian nationals having been forcibly recruited within the two battalions they checked. Among the persons the Team interviewed, no one had stated that they had been recruited in 1954;
- (c) between 17th and 29th October, 1954, in the area of Nam Lik and Nam Ngum in the province of Vientiane, the Mobile Team examined 21 witnesses. The evidence gathered by the Team did not substantiate the allegations concerning forced recruitment by the Vietnamese People's Volunteers/"Pathet Lao" side, nor the allegation of the Vietnamese People's Volunteers/"Pathet Lao" side that "statements on forced recruitment were taken by the Franco-Laotian forces by use of threat of force or actual force".

Further investigation in this area could not be conducted because the Vietnamese People's Volunteers/"Pathet Lao" members and interpreter of the Joint Group were recalled to Vientiane by the Vietnamese People's Volunteers/"Pathet Lao" Delegation in the Joint Commission on 29th October, 1954.

- (d) At Khang Khay, at the seat of the Joint Commission, the Fixed Team of Xieng Khouang on 25th October, 1954

examined 4 out of the 13 young Laotians produced by the Franco-Laotian side as having been forcibly recruited. From the evidence produced by the Franco-Laotian side the Team did not find it "possible to judge with any degree of accuracy" whether forced recruitment had been carried out.

The Vietnamese People's Volunteers/"Pathet Lao" Delegation recorded its protest against the statements made by the 4 witnesses and declared that they were false.

- (e) At Khang Khay, at the seat of the Joint Commission, on 1st November, 1954, the Fixed Team had to examine 3 alleged forced recruits. From the papers produced by the Franco-Laotian side, the 3 persons, in the opinion of the Team, appeared to have been "enrolled before 6th August, 1954, and therefore did not fall under the category of forcibly recruited personnel". Interrogation of these three persons could not take place owing to non-availability of interpreters of the Vietnamese People's Volunteers "Pathet Lao" side;
- (f) on 3rd November, 1954, in the course of withdrawals of Vietnamese People's Volunteers/"Pathet Lao" troops, the Fixed Team of Savannakhet interrogated at Ban Pha Nop 3 girls, mentioned by the Franco-Laotian side. All three declared they were not forcibly recruited;
- (g) on 4th November, 1954, the Fixed Team of Xieng Khouang while checking withdrawal of troops in the area of Muong Ngam, interrogated two witnesses, presented by each party. All four witnesses stated that no forced recruitment had been carried out in the area of Muong Ngam;
- (h) at Muong Cham, in the province of Vientiane, on 5th November, 1954, the Mobile Team, while checking the withdrawal of the "Pathet Lao", made investigation with regard to the allegation of forced recruitment. The Team came to the conclusion that "no instances of forced recruitment were discovered or reported to the Team";
- (i) at Khang Khay, at the seat of the Joint Commission, the Fixed Team, on 19th November, 1954, examined 6 out of 15 persons produced by the Franco-Laotian side and came to the conclusion that they had been recruited before 6th August, 1954. From among the rest, the four who were chosen for interrogation, stated that they had deserted

while serving in Sam Neua. The Team, therefore, concluded that it was "not possible to state that forced recruitment was carried out";

- (j) at Khang Khay, at the seat of the Joint Commission, the Fixed Team, on 1st December, 1954, interviewed three out of 9 alleged forced recruits. The Team stated that "from the testimony of these witnesses alone, without supporting evidence which will require detailed investigation on the ground, it was not possible to state categorically whether forced recruitment was carried out or not";
- (k) at Luang Prabang, the Mobile Team on 4th December, 1954 interrogated three "Pathet Lao" soldiers brought by the National Laotian Army from Outay. The three "Pathet Lao" soldiers stated during their interrogation that they joined the army, "since one man from each house was detailed by the village head to join the forces", and that they had joined the "Pathet Lao" forces approximately two months earlier. At Outay, they stated, they fell ill and were left behind by the "Pathet Lao" column; they wanted to go with the column but could not, because of illness.

Presence of Both Parties at Investigation

116. It should be pointed out that, owing to the need for interpretation, the hearing of witnesses had to take place in the presence of the representatives of the two parties.

Vietnamese People's Volunteers/"Pathet Lao" Complaint

117. It should also be mentioned that on their part the Vietnamese People's Volunteers/"Pathet Lao" side accused the Franco-Laotian side of "forced recruitment of young men to gang of pirates".

Investigation in Northern Provinces

118. On 15th December, 1954, the International Commission, at the request of the Vietnamese People's Volunteers/"Pathet Lao" Delegation, who wished to have their name cleared of the accusation, decided that its Teams should continue to check the fighting units of the "Pathet Lao" with regard to the allegations of forced recruitment, particularly now in the two northern provinces.

119. In fact, the International Commission had given direction to its Teams to check and/or interrogate whenever necessary

among the troops of the Fighting Units of "Pathet Lao" with regard to complaints of alleged forced recruitment. In the two northern provinces, the International Commission's Teams have standing instructions to investigate into the charge of forced recruitment, simultaneously carrying out investigation into other complaints. Further investigation, elsewhere also, remain to be conducted.

Conclusion

120. In conclusion, it may be stated that the investigation carried out by the International Commission on the subject of forced recruitment was rendered difficult by its inability to check the withdrawal of all Vietnamese People's Volunteers/"Pathet Lao" troops out of Laos or to check entry of "Pathet Lao" troops into Phong Saly and Sam Neua, due to lack of or insufficient notice of withdrawals and routes of withdrawal, due to inadequate transport facilities, and, lastly, due to weather conditions in Laos, which during the monsoon months were most unpredictable. In spite of all these difficulties, it will be evident that the International Commission carried out spot investigation through random selection among the troops practically throughout the whole country.



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CHAPTER VIII

DEMOCRATIC FREEDOMS

Effect of Civil War

121. A protracted civil war is apt to leave deep scars on the body politic. Danger to life and property, reprisals and discrimination against individuals and organisations for their activities during the hostilities can be real.

Safeguarding life and property during movement of Forces

122. In its military aspect, the Geneva Agreement (Article 4e) provides that while the withdrawals and transfers of the forces are proceeding, the two Parties shall not permit any destruction or sabotage of any public property or any attack on the life and property of the local civilian population.

Guaranteeing Democratic Freedoms

123. Again, Article 15 of the Agreement stipulates that "each Party undertakes to refrain from any reprisals or discrimination against persons or organisations for their activities during the hostilities and also undertakes to guarantee their democratic freedoms."

Royal Government Declaration

124. The unilateral declaration of the Royal Government, made at Geneva with reference to Article 3 of the Final Declaration of the Geneva Powers, states that in its "desire to ensure harmony and agreement among the peoples of the Kingdom", the Royal Government was resolved "to take the necessary measures to integrate all citizens, without discrimination, into the national community and to guarantee them the enjoyment of the rights and freedoms for which the Constitution of the Kingdom provides."

Complaints

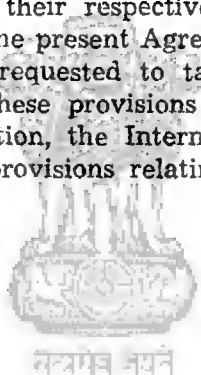
125. Several complaints have been received from both sides of attacks on life and property and violation of civil liberties and democratic freedoms. These range from ordinary manhandling to murder, from forcible requisition of live-stock to plunder, from obstruction of civilian traffic to forced recruitment, and from acts

of terrorism to intimidation. The International Commission launched many enquiries through its Teams, which have been dealt with elsewhere in this Report.

Publicising Relevant Clauses

126. The question of giving wide publicity to the Clauses relating to democratic freedoms has engaged the attention of the International Commission.

127. Accordingly, at its meeting held on 17th November, 1954, the International Commission decided to address a letter to the Joint Commission and to the Parties drawing their attention to the relevant clauses mentioned above; and also to Article 17 under which "the Commanders of the forces of the two Parties shall ensure that persons under their respective commands who violate any of the provisions of the present Agreement are suitably punished". The Parties were requested to take effective steps to disseminate and publicise these provisions of the Agreement by all possible means. In addition, the International Commission has undertaken to publicise provisions relating to democratic freedoms through its own Teams.



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CHAPTER IX

PROHIBITION OF THE INTRODUCTION OF FRESH TROOPS. MILITARY PERSONNEL, ARMAMENTS AND MUNITIONS

Relevant Articles of Geneva Agreement

128. The International Commission is responsible for supervising the implementation of the Clauses regulating the introduction into Laos of military personnel and war material and also of those relating to rotation of personnel and to supplies for French Union Security Forces maintained in Laos as provided for in Articles 6, 7, 8, 9 and 10 of the Geneva Agreement.

Authority to Import Arms

129. It is obvious that the only authority which can import armaments, munitions and military equipment into Laos is the Royal Government, subject to the provisions of Articles 9 and 10. The right of the French High Command would be limited to rotation of arms and personnel as provided for under Articles 6, 7 and 8.

Specified Quantity & Category

130. According to Article 9, the "introduction into Laos of armaments, munitions and military equipment of all kinds is prohibited, with the exception of a specified quantity of armaments in categories specified as necessary for defence of Laos."

Information requested from Royal Government

131. In order to supervise the implementation of this Article, the International Commission has requested the Royal Government to inform the Commission of such specified quantities and categories of armaments to be imported by them. The Royal Government have not, as yet, given these specifications but have promised to do so soon.

Breakdown of French Military Personnel

132. Immediately after the withdrawals were completed, the French Mission was requested by a letter on the 20th November to supply a detailed break-down of officers and NCOs of the French

Military Mission to the Royal Government and the locations where they were to be stationed, as well as the break-down of the 3,500 personnel to be maintained under Article 8 of the Geneva Agreement. The Royal Laotian Government have provided a break-down of officers and NCOs of the French Military Mission. A break-down of the 3,500 personnel at the Seno Base as on 6th November, 1954 was also provided by the Commander of the Seno Base to the International Commission Fixed Team at Savannakhet.

Method of Supervision discussed

133. The International Commission decided that a satisfactory method should be evolved to enable the International Commission Fixed and Mobile Teams to carry out supervision under Articles 27(c) and (d). For this purpose a meeting of its Military Committee with representatives of the Laotian National Army High Command, the French Liaison Mission and of the Command of the French Base at Seno was held on 20th December, 1954. All the authorities concerned were prepared to give the numbers of the French personnel to be maintained in Laos under Articles 6 and 8 and also to provide facilities for examination of necessary documents, etc. to facilitate check by the International Commission Teams. The French Liaison Mission was also prepared to provide information to facilitate checking of the personnel on the ground, but in this respect they emphasised that this facility would have to take into account the rights of the Royal Government to ensure the security of information regarding its armed forces. Similarly, a procedure for checking the entry of armaments into Laos was discussed.

134. Basing itself on the above, the Military Committee prepared draft instructions laying down the procedure for carrying out the necessary supervision. This is being sent to the Royal Government and the French High Command for their agreement.

Provisional Instructions issued to Teams

135. Pending the finalisation of these arrangements for supervision, control and movement of military personnel and war materials into Laos, the International Commission has issued provisional instructions to its Fixed and Mobile Teams to get into touch with local commanders to receive the necessary information regarding the entry of arms and military personnel, to check all such entries, and to report the particulars to the Commission. Eight movements of incoming and outgoing convoys have been recorded by the International Commission's Teams after 20th November, 1954. Only six of them were, however, checked; of the remaining, one was notified

SECRET

50

too late and the other had departed earlier than foreseen. It has been reported that the main reason for the delay in notification is the fact that some of the convoys consist of civilian vehicles and that the civilian companies do not stick to schedule. It is to be noted, however, that the bulk of the stores so far reported to have entered Laos were engineering equipment necessary for road-building and bridging.

Conclusion

136. The Commission hopes to be able to set up a satisfactory system of supervision and control in this regard at an early date.



CHAPTER X

INCIDENTS AND INVESTIGATIONS

137. All the incidents which were submitted to the Commission during the period under report may be classified under the following heads:

A. Alleged Acts of Military Nature.—Allegations of acts of a military nature, such as:

- (1) attacks, threats of attacks, occupation of territory;
- (2) Paratropping of troops and war materials on the territory under the military control of the other Party;
- (3) distribution of arms among the population;
- (4) presence of Vietnamese People's Volunteer troops outside the Assembly Area or in Laos after 19th November, 1954.

B. Alleged Acts of violence against civil population.—Allegations of acts of violence against civil population and infringement of democratic liberties, such as:

- (1) murders and tortures;
- (2) threats and acts of terrorism against the population;
- (3) arrests and detention of persons;
- (4) looting, illegal requisitions, illegal taxation and destruction of property.

C. Miscellaneous.—Miscellaneous (investigations into the positions of Laotian National Army troops and others).

Processing of Complaints

138. The Commission investigated into such incidents only where one Party or both Parties approached the Commission directly requesting an intervention or investigation.

139. When a complaint was received from a Party or from the Joint Commission, addressed to the International Commission, it was processed through the Political Committee, and if the nature of the complaint was a serious type, it received the immediate attention of the International Commission. The International Commission and/or its Political Committee issued instructions to

the Commission's Teams in the area where the alleged incidents occurred, to carry out the necessary investigations. In order to facilitate investigations into complaints, the International Commission decided to draw up a priority list of complaints from both sides. Due care was taken, while preparing this list, of the nature, seriousness, number and the date of occurrence of the complaints. This list was strictly adhered to except in special cases where the nature of complaint was of a very serious type and was a threat to peace. In such cases the International Commission took immediate action superseding, for the time being, the priority list. Intimation of the proposed investigation was also given to the Joint Commission and/or local representatives of the Parties so that the Team could get all facilities. Whenever deemed necessary, the Team was assisted with a questionnaire, not exclusive in character, for the purpose of carrying out the investigation. This questionnaire was in addition to the standing "Notes for Guidance of Inspection Teams" issued by the International Commission. The Team not only recorded evidence from the parties concerned, but took every opportunity of interrogating witnesses through random selection. The report of the Team received the immediate attention of the International Commission which decided upon the line of further action.

Details of Investigations

140. The following paragraphs give details of investigations carried out by the Commission excluding the series of investigations regarding allegations by the Franco-Laotian Party of forced recruitment by the Vietnamese People's Volunteers/"Pathet Lao" Party and irregularities regarding withdrawal, regroupment and assembly of forces of the two Parties which are mentioned in Chapters III and VII.

Allegation by Franco Laotian Party and results of investigation

141. From among the allegations submitted by the Franco-Laotian Party, the following were subjects of investigations carried out by the International Commission:

GROUP A

- (1) 34th and 38th Companies of the Vietnamese People's Volunteers coming from North Vietnam arrived on 23rd August, 1954 at Ou Neua and Ou Tay where they were still on 30th September;
- (2) On 25th September, 1954, a Vietnamese People's Volunteers detachment in the region of Ou Neua and Ou Tay

attacked Laotian National Army units causing losses on both sides;

- (3) between 28th August and 2nd September, 1954, in the "Pathet Lao" forces attacked several times Franco-Laotian units which withdrew, but were attacked again on 5th September, 1954;
- (4) on 30th September, 1954, the 34th Company of the Vietnamese People's Volunteers was stationed at Ou Neua, outside their Provisional Assembly Area;
- (5) one Franco-Laotian unit stationed near Ou Neua was attacked on 4th October, 1954 resulting in Franco-Laotian losses—1 killed, 7 injured, 2 taken prisoners;
- (6) on 15th October, 1954, 40 soldiers of the Vietnamese People's Volunteers were stationed at Ou Neua, outside their Assembly Area;
- (7) on 5th November, 1954, 400 soldiers of the Vietnamese People's Volunteers were at Ou Neua showing aggressive attitude.

The Fixed Team at Phong Saly was instructed by the International Commission to investigate into these complaints. The Team had intended to record the evidence of the Laotian National troops seen by the Team on its arrival at Ou Neua. But on arriving at the air-field the next day, the Team found that the Laotian National troops had moved away. The "Pathet Lao" Commander informed the Team that the Laotian National troops had left during the previous night. Therefore, no evidence from the Franco-Laotian side could be gathered.

It may be added that the Team was not even accompanied by the Joint Group or Liaison Officers. The Team further stated that they saw no Vietnamese People's Volunteers soldiers at Ou Neua, and the Commander of the "Pathet Lao" troops in this district reported that there were no Vietnamese People's Volunteers troops in his district. In addition, the Team saw no Laotian National Army troops at Ou Tay, while they were conducting investigations there on 17th and 18th November.

- (8) On 22nd September, 1954, Vietnamese People's Volunteers personnel in civilian clothes, estimated at about a platoon strength, were close to Boun Neua which was held by Laotian National Army troops.

As a result of the investigation carried out at Boun Neua, it was gathered by the Fixed Team from Phong Saly that Vietnamese People's Volunteers troops, about 50 men strong, were at Boun Neua at the end of August. On 22nd September, 1954, however, they were no longer there.

- (9) At Ban Nam Dou, Lower Laos, 2 Vietnamese People's Volunteers soldiers were outside their Assembly Area, guarding a rice dump.

The Fixed Team from Pakse found that 1 Vietnamese People's Volunteers soldier was present looking after the rice dump which was on the official transfer route.

- (10) On 20th November, 1954, a Vietnamese People's Volunteers/"Pathet Lao" detachment, about 200 strong, was in an area 8 kms. south of Ou Tam Khay, Pakse province. The detachment was alleged by the Franco-Laotian side to carry out strong propaganda activity and to obtain supplies at Ban Veune, and to have fired some rounds on 19th November, 1954.

The Fixed Team from Pakse, after carrying out investigation, stated that there were no Vietnamese People's Volunteers/"Pathet Lao" soldiers armed or otherwise in the area, and came to the conclusion that the complaint lodged was baseless and that it was made without making any prior inquiries.

GROUP B

- (1) In the Lao Ngam area the "Pathet Lao" forced the population to pay taxes designed to defray the expenses of the soldiers going to Sam Neua and requisitioned supplies.

According to the report submitted by the Fixed Team from Pakse, the evidence given by the inhabitants showed that no taxes were imposed and no requisitions were made.

- (2) Vietnamese People's Volunteers troops in the Nam Ngum valley requisitioned rice from the population.

After investigation, the Mobile Team from Vientiane came to the conclusion that the allegation was not substantiated.

GROUP C

- (1) At Ban Pha Nop on 15th November, 1954, the "Pathet Lao" delegate and the interpreter of the Joint Sub-Commission Mahaxay, presided over a meeting of the population, thus exceeding their competence as members of the Joint Sub-Commission.

After interviewing witnesses, the Fixed Team from Savan-nakhet arrived at the conclusion that the meeting had actually been held and that the above-mentioned "Pathet Lao" representatives were present there, but that the population had been assembled to bid farewell to the Vietnamese People's Volunteers troops, and that the "Pathet Lao" delegate told the people that the Vietnamese People's Volunteers/"Pathet Lao" forces were leaving that area and going to Vietnam and advise them to stay in their villages and devote themselves to peaceful work.

Allegations by the PVV/PL Party and Results of Investigation.

From among the allegations submitted by the Vietnamese People's Volunteers "Pathet Lao", party the following were subjects of investigations carried out by the International Commission.

GROUP A

- (1) On the night of 22nd November, 1954, the town of Sam Neua was attacked by an armed band maintained by the Franco-Laotian Party;

The Political Committee of the International Commission after having considered the observations made by the Sub-Team, Sam Neua, came to the conclusion that the complaint was not substantiated;

- (2) On 23rd August, 1954, one Dakota paradropped 24 men at Boun Neua;
- (3) On 24th August, 1954, two Dakota paradropped 25 men, 7 packages of weapons and 24 packages of rice, at Boun Neua;
- (4) on 27th August, 1954, one Dakota paradropped 21 men and 7 packages at Boun Neua;
- (5) on 30th August, 1954, one Dakota paradropped 6 men and several packages of arms at Boun Neua. On the same day another aircraft landed on the field at Boun Neua, and 2 Laotian officers disembarked;

- (6) on 3rd September, 1954, one Dakota paraded 4 packages of arms and 22 packages of rice;
- (7) from 23rd August, 1954, till 3rd September, 1954, a detachment of Laotian National Army troops was paraded and prepared defensive positions transforming Boun Neua into a new fortified position.

Results of investigation regarding complaints 2 to 7 above:—

The Fixed Team from Phong Saly came to the following conclusions:

Many cases of parading of men have been stated, but the exact number of men could not be established. It was stated also that rice and supplies were dropped. Maintenance and repairs on the airstrip were also reported. There were some trenches, weapon pits and sentry posts at the airfield. There are no barbed wire defences.

- (8) On 29th August, 1954, two sections of Laotian National Army soldiers were paraded in the region of Ou Neua and Out Tay;
- (9) on 5th September, 1954, Laotian National Army paratroops fired shot at the Vietnamese People's Volunteers/ "Pathet Lao" elements, wounding 9 and taking 2 prisoners, in the above region;
- (10) on 29th September, 1954, 'pirates' under French officers attacked a small "Pathet Lao" detachment, killing 1 soldier;
- (11) on 30th September, 1954, 60 other 'pirates' under French officers attacked in the same region a small "Pathet Lao" detachment, killing 1 soldier;
- (12) on 4th November, 1954, Franco-Laotian paratroops accompanied by 'pirates' attacked for the fourth time "Pathet Lao" units and occupied Ou Neua.

The Fixed Team from Phong Saly investigated into complaints 8 to 12 above and reported as follows:

The evidence of Franco-Laotian soldiers could not be gathered, as, on arrival of the Team at the airfield on 12th November, 1954, the Team found that the soldiers had move away. The team came to the conclusion that some attack on Ou Neua village had taken place. The

Team saw burnt houses and ascertained that the population party took refuge in the forest and lived in fear. Also, according to the evidence of witnesses, there were no Franco-Laotian troops in the place of investigation between 5th October and 3rd November, 1954, but the Franco-Laotian troops came near the village on 4th November and stayed there till the Team came. The Team saw them on 11th November, 1954, and they withdrew in the night of 11th, 12th November, 1954. The presence of Franco-Laotian troops created a fear of attack among the population. From the evidence gathered at Ou Neua and Ou Tay, it appears that some Franco-Laotian troops with French Commanders were paraded on 29th August, 1954.*

- (13) On 7th August, 1954, one Laotian National Army platoon occupied Ban Khi One Nhai, a village located in the "Pathet Lao" Provisional Assembly Area of Lao Ngam.

The Fixed Team from Pakse ascertained that the village was occupied in the morning of 6th August, 1954 and left on 8th September, 1954. However, there were no data to indicate the exact time of arrival of the troops at Ban Khi One Nhai, whether it was before or after 0800 hours, i.e. before or after the cease fire entered into force.

- (14) The Franco-Laotian forces set up new posts outside the Provisional Assembly Area in order to encircle it.

The Fixed Team from Pakse stated that the 856th Laotian National Army unit occupies the Pha Pho and Pha Lay areas from 30th September, 1954 to 7th October, 1954.

- (15) In the Provisional Assembly Area, Senoi Boualafa, the Franco-Laotian Command had forcibly organised armed bodies of young men since the beginning of the month of September, 1954. In the complaint 7 villages were enumerated in which rifles were distributed.

The Fixed Team from Savannakhet interrogated witnesses. The evidence obtained from the witnesses was not sufficiently conclusive to warrant an opinion by the Team.

(* With regard to parades the Franco-Laotian side claimed that they paraded reliefs of personnel and supplies. The Vietnamese People's Volunteers/ "Pathet Lao" side claimed that they were new combatants and new armaments.)

GROUP B.

- (1) On 19th October, 1954, a gang consisting of 80 'pirates' and led by 2 French officers encircled the village of Ban Sop Say, searched all the houses and arrested 9 persons;
- (2) on 20th October, 1954 the same gang encircled the village of Ban Nam Tip, searched all the houses, and arrested 8 inhabitants 3 of whom were "Pathet Lao" officers. They were tied, subject to most savage tortures and afterwards killed. The gang took away by force all the belongings of the population.

The Political Committee found:

- (1) that the allegations of a raid on the village, looting, molestation, shooting and killing were substantiated by the evidence recorded by the International Commission's Team from Sophao;
- (2) according to the recorded evidence, the above-stated acts of violence were committed by "100 Meos and two French men. It appeared from the report that the Franco-Laotian Delegation did not at the time of investigation deny and/or challenge the allegations of the presence and participation in this incident by the two French men".

The Political Committee recommended that the attention of the Franco-Laotian Delegation be drawn to the evidence recorded regarding the presence and participation of the two French officers in this incident. It further recommended that the Delegation should also be requested for an early report in the matter in accordance with the statement of Mr. Bardet, the Chairman of the Franco-Laotian Delegation in the Joint Group, during the course of the investigations, that the Franco-Laotian Delegation was not trying in any way to support such an incident, and that if that raid had really happened, it constituted a violation. Mr. Bardet had also declared that the Franco-Laotian Delegation gave its word that it would report the case to its Headquarters so that sanction and damage would be duly considered.

- (3) At Boun Neua the Franco-Laotian forces compelled 13 people of the local population to repair the landing ground. A similar act was repeated on 27th August, 1954.

The Fixed Team from Phong Saly stated that it was possible that civilians had been used for doing repair work at the airfield. There was no evidence, however, that they were compelled to do so.

- (4) In the Lao Nagam area in the village of Ban Khi One Nhai, situated in the Provisional Assembly Area, on 7th August 1954, a unit of Laotian National Army forces threatened the civilian population and committed acts of violence.

The Fixed Team from Pakse reported that because of unconvincing evidence, it was impossible either to confirm or to deny the allegation.

- (5) On 6th October, 1954, in the village of Ban Thalot, the Chief of the Muong of Tourakome and Lieutenant Kham-say arrested an inhabitant of a village situated in the Provisional Assembly Area. Further, on their order, 1 man and 2 women were arrested in the house of the Vietnamese People's Volunteers/"Pathet Lao" Delegation of the Joint Group at Phong Nong. The arrested persons were tortured. The villagers were threatened by the Chief of the Muong and Lieutenant Khamsay.

The Mobile Team from Vientiane after interviewing witnesses came to the conclusion that there had been coercion. The evidence conclusively proved that Lieutenant Khamsay of the Laotian National Army assaulted 2 villagers while they were being interrogated.

The Commission brought the incident to the attention of the appropriate authorities and requested that necessary disciplinary action be taken and necessary instructions be issued to their officers to prevent recurrence of such incidents.

GROUP C.

The Franco-Laotian Party, in the Joint Sub-Commission at Paksong, had deliberately been creating difficulties to prevent the Vietnamese People's Volunteers officers of the Joint Group from contacting the French Union units during their regroupment.

Investigation by the Fixed Team from Pakse showed that this anomaly was due to the Joint Commission at Khang Khay not giving specific instructions to the Joint Groups. The Team was of the opinion that as

the withdrawal of forces had been completed, no further action was necessary at the time when the investigation was carried out.

Investigation carried out by the International Commission on its own initiative

(1) Checking the presence of Laotian National Army troops, their strength, commanders and cadres of French officers as on the day of investigation and on 22nd July, 1954 and 6th August, 1954 at Goun Neua.

From the evidence gathered by the Fixed Team from Phong Saly it appeared that at the time of the investigation (beginning of November) there were 150 to 200 Laotian National Army troops under Capt. Kham Son and Sgt. Chief Carmona. The Team stated discrepancies between the evidence by Capt. Kam Son, Sgt. Chief Carmona and "Pathet Lao" witnesses. In this connection it was not possible to determine whether Laotian National Army troops had been at Boun Neua on 22nd July and 6th August, 1954 or not.

(2) Checking as above of Laotian National Army forces at Ou Neua.

This could not be carried out because of the absence of the Laotian National Army troops at Ou Neua during the Phong Saly Fixed Team's visit there between 12th and 18th November, 1954.

(3) Checking as above of Laotian National Army troops at Ou Tay.

This could not be carried out because of the absence of Laotian National Army troops at Ou Tay during Phong Saly Foxed Teaf's visit there between 12th and 18th November, 1954.

Conclusion

142. In spite of many difficulties, the International Commission was able to make systematic and effective investigations into the allegations, which not only helped to bring down the number of incidents but also contributed to ease the mounting tension. It should be noted here that after the cease-fire, when the advance party of the International Commission was installed in Vientiane, shooting had stopped; but years of conflict had left an atmosphere

which was tense and bitter. Before the International Commission could organise the minimum requirements for its Secretariat and the Teams, and before it could establish contact effectively with the Parties and ensure transport facilities, the Parties started making complaints against each other. While conducting investigations into complaints, the International Commission felt that the Parties had not always made sufficient prior effort to discuss and settle these among themselves.

143. Perhaps it was due to the existing tension and suspicion between the Parties that they had, particularly in the initial stages, some difficulty in entering into discussion and settling the different complaints among themselves. Instead, they hastily transmitted the complaints to the International Commission. The records of the complaints would indicate that sometimes the Parties transmitted the complaints to the International Commission without first carefully checking the facts. Sometimes, they failed also to offer sufficient and accurate information. The International Commission did all that it could, under difficult circumstances, which were sometimes accentuated by paucity of transport facilities, lack of prompt and adequate liaison from the Parties and unpredictable climatic conditions.

144. A table of reported incidents and investigations carried out upto 31st December, 1954, is given in Appendices 'E' and 'F'.

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CHAPTER XI

THE PROVINCES OF PHONG SALY AND SAM NEUA

Difficult and Delicate Problem

145. The most difficult and delicate problem that the International Commission in Laos is facing today is that of the two Northern Provinces of Phong Saly and Sam Neua. The main Articles of the Geneva Agreement concerned with these regions are 12, 14 and 19.

Clauses relating to the Two Provinces

146. Article 12 of the Geneva Agreement provided for 12 Provisional Assembly Areas, one for each of the 12 provinces of Laos, for the scattered "Pathet Lao" forces.

147. Under Article 13, the foreign forces (the Vietnamese People's Volunteers and the French Union forces) were to finally withdraw from Laos. The Laotian National Army under Article 12 were to remain in situ during the entire duration of the operations of disengagement and transfer of foreign forces and the fighting units of "Pathet Lao".

148. Under Article 14 all the fighting units of "Pathet Lao" were finally to move into the two northern provinces.

Military and Political Aspects of the Problem

149. The problem of the two provinces had a military as well as a political aspect. Its military aspect was further defined by Article 14, which stated:

"Pending a political settlement, the fighting units of "Pathet Lao", concentrated in the Provisional Assembly Areas, shall move into the Provinces of Phong Saly and Sam Neua except for any military personnel who wish to be demobilized where they are. They shall be free to move between these two Provinces in a corridor along the frontier between Laos and Vietnam bounded on the south by the line Sop Kin, Na Mi, Sop Sang, Muong Son. Concentration shall be completed within one hundred and twenty (120) days from the date of entry into force of the present agreement".

Article 19 of Geneva Agreement

150. In this context, Article 19 also should be noted, for it laid down that "the armed forces of each Party shall respect the territory under the military control of the other Party and engage in no hostile act against the other Party".

151. The term "political settlement" in Article 14 has not been defined in the Agreement.

Royal Government Declaration

152. The Royal Agreement of Laos in its unilateral declaration made on 20th July, 1954, with reference to Article 3 of the Final Declaration of the Geneva Powers, declared "itself resolved to take the necessary measures to integrate all citizens, without discrimination, into the national community and to guarantee them the enjoyment of the rights and freedoms for which the Constitution of the Kingdom provides; affirms that all Laotian citizens may freely participate as electors or candidates in general elections by secret ballot". As regards the two provinces, it stated that it will "promulgate measures to provide for special representation in the Royal Administration of the provinces of Phong Saly and Sam Neua, during the interval between the cessation of hostilities and the general elections, of the interests of Laotian nationals who did not support the Royal forces during hostilities".

Military Aspect

153. It should be noted that for quite a long time after the first meeting of the International Commission on 11th August, 1954, the military aspect was the more important one, since it was intimately connected with the plans regarding the establishment of Provisional Assembly Areas for the immediate regroupment of forces.

Claims and Counterclaims

154. The Franco-Laotian side asserted that there were on or before 6th August, 1954 (the cease-fire date), areas in Phong Saly and Sam Neua which were under the control of their "Special Commandos". According to the Franco-Laotian side, they exercised military control over the Western parts of the two Provinces. The Vietnamese People's Volunteers/"Pathet Lao" side referred to these Commandos as "pirates" and refused to recognise them as forming part of the Laotian National Army.

155. The Vietnamese People's Volunteers/"Pathet Lao" Party claimed that they had complete military control over the Provinces

and that the "Pathet Lao" has now complete control over the Provinces; also that no Franco-Laotian troops have existed there since March 1953. They, however, accused the Franco-Laotian side of having paraded some regular Laotian National Army Units after 6th August, 1954.

156. The Franco-Laotian side, on the other hand, contend that there were very few "Pathet Lao" units in Phong Saly and Sam Neua.

157. The Franco-Laotian side rejected the Vietnamese People's Volunteers/"Pathet Lao" Party's contention of constituting the totality of these two provinces into Provisional Assembly Areas for their troops and into final assembly areas for the "Pathet Lao" troops only.

Problem referred to International Commission

158. On 18th August, both the Delegations submitted the matter to the International Commission for its recommendation. The problem was discussed at the 8th meeting (26th—29th August) of the International Commission and it was decided that, in view of the possibility of a meeting between the Prime Minister of Laos and the leader of the "Pathet Lao", the Commission should abstain from making too rigid a recommendation and aim particularly at summoning the two Parties to reconcile their points of view.

Recommendation of International Commission

159. Since the personnel necessary for the International Commission's Investigation Teams had not till then arrived in Laos, the Commission, in its letter of 30th August, 1954, recommended that the Joint Commission itself take the following measures:—

- (a) investigation by Joint Groups, in view of the stipulation in Article 12 regarding Laotian National Army Units *in situ*, as to whether there were any such units located in the two provinces or whether these two provinces were entirely under the control of "Pathet Lao";
- (b) both Parties should submit details of their forces in each province;
- (c) the question of sites for the reception of the forces of "Pathet Lao" in the two provinces should be more exhaustively examined by the Joint Commission.

The Corridor

160. The International Commission further stated that the corridor, as given in paragraph 1 of Article 14 of the Geneva Agreement, did not form part of the concentration areas for stationing "Pathet Lao" units, but could be only used by them for free movement between the two provinces.

Views of Two Parties

161. Almost simultaneously, on 30th August, the two Parties in the Joint Commission signed an agreement fixing the number and extent of the Provisional Assembly Areas for the Vietnamese People's Volunteers, "Pathet Lao" and French Union forces. The agreement, however, nowhere mentioned the two provinces of Phong Saly and Sam Neua, and was thus to be the cause of bitter controversy later. No reference regarding this omission was made to the International Commission until 7th September when the Franco-Laotian side informed the International Commission that according to them the question of assembly areas in these two provinces was "still pending". No compromise arrangement could be arrived at, since the Vietnamese People's Volunteers/"Pathet Lao" Party continued to claim the totality of the two provinces as the final assembly area for the "Pathet Lao" troops, and the Franco-Laotian side denied their right to do so.

PVV/PL Contention

162. The contention of the Vietnamese People's Volunteers/"Pathet Lao" Party was as follows:—

- (a) The terms used in Article 14 clearly specified that the fighting units of "Pathet Lao" shall move into the two provinces of Phong Saly and Sam Neua, pending a political settlement".

This meant that the transferred fighting units of the "Pathet Lao" would station themselves *throughout the provinces*, because the term "province" implied the totality of the territory within its limits and, if it had been otherwise, the wording would have been that the fighting units of "Pathet Lao" "would move into a zone within the two provinces".

- (b) The fact that no reference was made in the agreement of 30th August to Phong Saly and Sam Neua clearly indicated that the two provinces constituted in their totality

the final regroupment area for the forces of the "Pathet Lao", and that no Laotian National Army Units existed there. This fact caused the two Delegations to give up selecting in the two provinces Provisional Assembly Areas necessary for the disengagement of the forces of the two Parties in regions where they were.

Franco-Laotian Contention

163. The Franco-Laotian contention was based on the following points:—

- (a) article 12 of the Geneva Agreement provided that "Pathet Lao" forces be stationed in 12 Provisional Assembly Areas, i.e., one area per province. This indicated that there was also an area in each of the provinces of Phong Saly and Sam Neua;
- (b) article 14 stipulated that the "Pathet Lao" forces would assemble in the two provinces, but did not provide that each of these provinces constituted in its entirety an Assembly Area;
- (c) taking into consideration the sovereignty of the Royal Government, as recognised by the Geneva Agreement, the administrative capitals (Phong Saly and Sam Neua) of these two provinces were expected to be included in the zones allocated to the Laotian National Army;
- (d) the Laotian National Army "*in situ*" should have a separate area, since Article 11 prescribed "cease-fire by the separation of forces";
- (e) the two provinces were not dealt with in the agreement of 30th August on the Provisional Assembly Areas, because the Franco-Laotian Delegation was only trying to facilitate the signing of the agreement by avoiding controversial matters.

Proposals of Two Parties

164. The above arguments were put forward by the two Parties at the meetings of the International Commission with the Joint Commission between 29th September and 5th October, 1954. On the last day of the meeting, the International Commission requested each of the two Parties to send to it by 12th October an *aide-memoire* giving the background of the dispute regarding the two provinces and their interpretation of the Geneva Agreement. The subject was again discussed, in the light of these *aide-memoires* (Appendices

'G' and 'H'), at the meeting which the International Commission held with the Joint Commission between 29th October and 6th November, 1954.

Franco-Laotian-Aide-Memoire

165. The Franco-Laotian Party then reasserted the sovereignty of the Royal Laotian Government over these two provinces, and wanted the other Party to agree to the establishment of Royal Administration by locating the Governors appointed by the Royal Government at the capitals of the two provinces. As a temporary measure, until a final political settlement had been arrived at, the Franco-Laotian Delegation proposed a division of the two provinces into two military zones, one consisting of the Laotian National Army Units *in situ* and the other of the "Pathet Lao" Units which were to be concentrated there by 19th November, 1954. The division was to be made after taking into consideration the questions of communication, supply, resources and population.

PVV/PL-Proposal

166. The Vietnamese People's Volunteers/"Pathet Lao" Party rejected the Franco-Laotian Party's plan of partitioning the region and asserted that the problem of the two provinces was a political problem, included "in the *ensemble* of problems tied up with the general political settlement" and that hence the "Pathet Lao" units should remain stationed there till such a political settlement, as envisaged in the Geneva Agreement, had been reached. They added that "there was absolutely no necessity for the provinces to be the subject of any other settlement if the political settlement had not yet been reached". They made it clear that they would refuse to admit the presence of any Laotian National Army Units in the two provinces and to accept Royal Administrative Control over any part of the two provinces until a political settlement had been finally arrived at.

"Pathet Lao" Declaration

167. At a meeting between the International Commission and the Joint Commission on 4th November, 1954, the "Pathet Lao" Delegate read out a declaration (Appendix 'I') that the "Pathet Lao" forces recognise the Royal Government and that in principle the administration of "Pathet Lao" in the two provinces of Phong Saly and Sam Neua "is classified under the supreme authority of the Royal Government".

Existence of Two Forces side by side

168. The main problem of the two Provinces, after 19th November, 1954, has been two-fold:—

- (1) *Existence of two forces side by side.*—There are two forces present in the two Provinces—the Royal Laotian Units and “Pathet Lao” Units. In order to prevent incidents, disengagement of these troops is absolutely essential. The International Commission, with a view to determining the areas under the control of the Royal Laotian troops and the “Pathet Lao” Units, respectively, had ordered enquiry as to the position, strength and location as on 6th August, 1954, etc., of the former on the basis of the claim made by them.

Political Settlement in Laos

- (2) *Political settlement in Laos.*—The “Pathet Lao” fighting units recognised the sovereignty of the Royal Government in principle, insist on a political settlement as envisaged in Article 14, before the Royal Administration can be re-established in the areas under their occupation in the two Provinces.
However, they, as well as the Royal Government, have expressed eagerness to settle through negotiations their differences in a spirit of harmony and compromise.

International Commission's Recommendation

169. The International Commission, in order to press for an early and amicable settlement passed the following resolution on 3rd December, 1954:—

“The International Commission for Supervision and Control in Laos:

- (a) in view of the fact that the Joint Commission have been unable to reach Agreement on the interpretation of Article 14 of the Geneva Agreement;
- (b) bearing in mind the spirit of the said Geneva Agreement;
- (c) in view of the Declaration by the Royal Government of Laos relative to Article 3 of the Final Declaration annexed to the said Geneva Agreement;
- (d) in view of the Declaration of the then Prime Minister, Prince Souvanna Phouma, on 4th November, 1954, and

also that of the Prime Minister H. E. M. Katay D. Sasorith on 23rd November, 1954, (Appendices J & K);

- (e) in view of the Declaration by Prince Souphannou Vong of 28th December, 1954, and that of 4th November, 1954, by Colonel SINGKAPO in the name of the fighting units of "Pathet-Lao";
- (f) having been notified that the withdrawals of foreign forces provided for under said Geneva Agreement were completed on 19th November, 1954;
- (g) being of the opinion that nothing, in these conditions, now stands in the way of the political settlement envisaged in Article 14 of the said Geneva Agreement and that the Declarations mentioned in paragraphs (d) and (e) above clear the way for direct contracts between the two Parties concerned for reaching such a political settlement;

recommends: that representatives of the Royal Government and of the fighting units of "Pathet Lao" examine together the means to adopt with a view to attaining this political settlement, *inter-alia* as regards the re-establishment of the Royal Administration in the two Provinces of Sam Neua and Phong Saly".

Response from sides

170. The response from both sides has been prompt. In fact, the "Pathet Lao" Delegation arrived in Plaine-des-Jarres on the 30th of December. The Royal Government representatives were to go there in the beginning of January. Although the meetings are understood to be in the nature of preliminary contracts, it is hoped they will pave the way for a political settlement in the near future.

171. The International Commission is watching the developments with keen interest. While the two sides are conferring together, the International Commission feels that it should avoid taking any decision or step which may tend to disturb the atmosphere.

Increasing Tension

172. It is unfortunate, however, that locally there has been some evidence of increasing tension in the two provinces. This is perhaps inevitable when two forces, after six years of open and violent conflict, are now situated so near to each other. There have been a number of complaints. Such complaints, received prior and subse-

quent to the 19th of November, may broadly be classified under the following:—

PVV/PL Complaints**173. Vietnamese People's Volunteers/"Pathet Lao" Complaints:**

- (a) occupying of new positions after 6th August;
- (b) extension of Franco-Laotian positions and re-inforcement of personnel;
- (c) paratropping of troops and war material;
- (d) attacks on Vietnamese People's Volunteers/"Pathet Lao" units and capture of their personnel;
- (e) assaults by armed bands, acts of violence against persons and property;
- (f) acts in violation of the democratic freedoms of the civil population;
- (g) forced recruitment.

Complaints by Franco-Laotian side**174. Franco-Laotian Complaints:**

- (a) attacks on the Royal Laotian Army units;
- (b) stationing of PVV outside their Provisional Assembly Area and their presence subsequent to the date fixed for the withdrawal of foreign forces;
- (c) preventing officials of the Royal Laotian Government from carrying out their administrative functions;
- (d) acts in violation of the democratic freedoms of the civil population;
- (e) forced recruitment.

Investigation by International Commission Teams

175. The fixed and the Mobile Teams at Phong Saly were instructed by the International Commission to carry out enquiries at Boun Neua, Ou Neua, Ou Tay, Pong Nang, Malitao, Lao Meo Chai and Lyvay. Similarly, the Fixed Team at Sam Neua was directed to investigate into the complaints at Hua Xieng, Hua Muong, Houei Thau and Ban Saloui. The progress was slow. The Teams were considerably hindered in their work by the paucity of roads and aircraft, exceptionally bad climatic conditions, by the frequent absence of Joint Groups, by the constant and simultaneous demand on their services at different parts of the two provinces. The Inter-

national Commission, therefore, had to draw up a list of priorities for investigation, the main consideration being seriousness of the complaint and prevention of further incidents. Enquiries already undertaken or ordered by it are being carried out, along with the general investigation into the location of Laotian National Army troops.

Appeal to both sides

176. At the same time, the International Commission has appealed to both sides as follows:—

“Having noted with concern recent incidents in the provinces of Phong Saly and Sam Neua, the Commission recommends that the Franco-Laotian and the Vietnamese People's Volunteers/“Pathet Lao” Commands issue instructions to their respective units of all kinds which find themselves in these two provinces so that those units refrain from all activities which could lead to incidents involving the units of the other Party.”

Possible Repercussions if settlement be delayed

177. The Commission considers its duty to record that, if the political settlement is delayed, the situation in the north may deteriorate, and clashes between the two forces may become more frequent and more serious.

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CHAPTER XII

GRAVES OF MILITARY PERSONNEL AND PRISONERS OF WAR

Relevant Article of Geneva Agreement

178. Article 18 of the Geneva Agreement stipulates that the Joint Commission shall fix the procedure and the time limit by and within which the personnel of the Graves Service are to remove the bodies of deceased military personnel of their Party including the bodies of the deceased prisoners of war. It adds that the Commanders of the forces of each Party shall communicate to the other all information in his possession as to the places of burial of all military personnel of the other Party.

Humanitarian Aspect of the Problem

179. A project by the Vietnamese People's Volunteers/"Pathet Lao" Party giving the principles on which an agreement might be drawn up between the two Parties was formed early in August, but no progress was made. The International Commission at its various meetings with the Joint Commission has reminded both Parties of the necessity of implementing this clause and reporting progress. At its meeting with the Joint Commission on 30th October, 1954, the Commission particularly emphasised the humanitarian aspect of this subject and asked the Parties to give this subject importance and priority, and to exchange the lists of deceased personnel, giving places of burial. A date by which these lists might be exchanged was also suggested. Both agreed at that time to give this problem their earnest attention.

Lack of Agreement within Joint Commission

180. The Commission regrets to report that so far the Joint Commission has not been able to come to an agreement on this very important subject. The Franco-Laotian Delegation claim that they gave a list to the Vietnamese People's Volunteers/"Pathet Lao" Delegation, but that because the Vietnamese People's Volunteers/"Pathet Lao" Delegation failed to reciprocate, the list was withdrawn. They further state that a list of 10 names handed in at a later date by the Vietnamese People's Volunteers/"Pathet Lao" Party was incomplete and unworkable in that the places of burial were not mentioned.

Points of Difference

181. The Vietnamese People's Volunteers/"Pathet Lao" Delegation have recently addressed a memorandum to the International Commission giving the differences of opinion between the two Parties with regard to the procedure for implementing this clause. The main differences according to the Vietnamese People's Volunteers/"Pathet Lao" Delegation are:—

- (a) that the Vietnamese People's Volunteers/"Pathet Lao" side want 9 months within which the operation of exhumation should be completed, whereas the Franco-Laotian side want it done within 2 months;
- (b) that the Vietnamese People's Volunteers/"Pathet Lao" and the Franco-Laotian sides are not agreed on the regions of responsibility of each Party for the purpose of issue of lists of deceased military personnel and of the places of burial;
- (c) that the Vietnamese People's Volunteers/"Pathet Lao" side consider that it is not within the sphere of responsibility of the Joint Commission in Laos to decide the question of graves of French Union prisoners of war who were captured in Laos but died in prisoners of war camps in Vietnam;
- (d) that the Vietnamese People's Volunteers/"Pathet Lao" side consider that the number of specialists for working **on each team** should be five, whereas the Franco-Laotian side consider this number too big;
- (e) that the Franco-Laotian side had not agreed to exchanging additional lists from time to time.

Joint Meeting to decide issue

182. The parties have now proposed to the International Commission that a Joint meeting be held between the International Commission and the Joint Commission to settle this issue. This proposal is under the consideration of the International Commission and it is hoped to hold such a Joint meeting by the end of January, 1955.

SECRET

CHAPTER XIII

Aim and Method

183. The Commission's aim in respect of Public Relations Work has been:—

- (a) to secure the co-operation of the two Parties in publicising the terms of the Geneva Agreement;
- (b) to impress on the Parties the need to refrain from indulging in adverse propaganda, in public, against each other, which might accentuate differences and hamper the implementation of the Agreement;
- (c) to utilise the limited information and publicity channels available to create among the public in Laos and abroad an outlook of appreciation of the problems and tasks which the Parties and the Commission face and to ensure a climate of confidence, trust and understanding amongst the Parties in the work of the Commission.

184. With these broad objectives, the Public Relations Work of the Commission has been done with considerable success. The Commission has discouraged news about differences amongst, and complaints of, the Parties. It has directed its efforts not so much to giving or securing publicity, but to diminishing chances of hasty and unwarranted criticism which might hinder progress of the implementation of the Geneva Agreement. All releases emanating from the Commission are approved unanimously. Such releases are factual and made as comprehensive as possible.

Internal Publicity

185. There are no organised normal press and publicity facilities in Laos. The Government of Laos publish a daily French bulletin (500 copies) and a bi-weekly Laotian language bulletin (350 copies), both mimeographed. There is also the Lao National Radio with about 3,000 listeners. But diffusion of news through these channels is limited. Therefore, the importance of personal contacts with Members of the Government, the Parties to the Agreement and the public at all levels, cannot be over-emphasised.

186. The International Commission, at its meeting with the Joint Commission on 29th September, 1954, called upon the Parties to

refrain from using words or expressions on the radio or in the press, which may widen the rift between them. This has, in fact, been emphasised time after time, formally and informally, with some good effect. Recently, the Commission requested the two Parties to publicise, throughout the territory of Laos, Articles 15 and 17 of the Agreement and the portion of the Declaration of the Royal Government of Laos made at Geneva with reference to Article 3 of the Final Declaration concerning democratic freedoms.

External Publicity

187. The only News Agency, which has a resident correspondent in Laos, is the *Agence France Presse*. In the interest of accuracy and to ensure widest diffusion for its press releases, the Commission also decided to transmit them to the External Publicity Division of the Ministry of External Affairs, New Delhi, for release to the World Press. Copies are made available to the Canadian and Polish Embassies in New Delhi for onward transmission to their countries. By arrangement with the respective International Commission, messages are also simultaneously released at Hanoi, Phnom Penh and Saigon.

188. Visiting journalists, whose number recently has been on the increase, have been given a fair and objective picture of the activities of the Commission and the problems it is facing. It may be added that the leaders of the three Delegations have always agreed upon unanimous views on vital issues before meeting press correspondents. Their unanimity of approach, while giving interviews to the journalists, has had a wholesome effect on news-reporting in the World Press.

Co-ordination

189. Co-ordination of the working methods and relations among the Public Relations Officers of the three Commissions in Vietnam, Cambodia and Laos were discussed at a Conference held in Hanoi in November, 1954 and several useful steps were agreed to. These include:—

- (a) Accreditation of press correspondents concurrently to the three Commissions;
- (b) travel and other facilities and codes for them;
- (c) exchange of relevant information and press clippings affecting one another, and
- (d) visual publicity.

190. Correspondents accredited to the Vietnam Commission are now accredited also to the Laos Commission.

General

191. The Public Relations Section has been arranging the regular supply of newspapers and magazines given by the Delegations to the various Teams, many of them in remote corners of the country. News items relating to the working of the Commission published in the World Press are brought to the notice of the Members of the Commission and, if necessary, to that of the authorities in Laos.

192. Hitherto, the Commission has been handicapped in the absence of a film cameraman and a photographer. The Laotian Government and the French Army Services have been helpful in this regard. The proceedings of the meetings of the International Commission with the Joint Commission and the activities of the Delegates and Members of the Commission have been covered and distributed by these services. But in order that visual publicity, suited to the requirements of the Commission, may be systematically undertaken, a cameraman is being appointed for the three Commissions with Headquarters in Hanoi.



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CHAPTER XIV

CONCLUSION

Progress made

193. In the preceding chapters, an attempt has been made to give in outline an account of the activities of the International Commission in Laos, since its installation in Vientiane. The Commission has pleasure in recording that satisfactory progress has been made.

Efforts made by Parties to fulfil their obligations

194. The material difficulties which the International Commission had to face, particularly in respect of transport, seriously hindered the progress of its work, especially in the early stages. But even more serious were the difficulties that arose out of vagueness of some of the provisions of the Geneva Agreement. This accentuated the already existing divergence of opinion within the Joint Commission, constituted by the Parties, which had been made responsible for the implementation of the agreement. Differences, however, were not unexpected, a civil strife having raged in the land for years, leaving deep scars on the body-politic which time alone could heal. Despite these differences, it must be recorded that the Parties have made a real effort to fulfil their major obligations in regard to the military aspect of the Agreement. Apart from some occasional and minor lapses, they have rallied round, particularly when urged by the Commission, to carry out these important tasks. Thus, notwithstanding early delays, withdrawals were carried out in time, and almost without incident. For this the Parties deserve credit.

Prospects of Solution of the Problem of the Northern Provinces

195. Some tasks and problems still remain. The most delicate, difficult and at the same time important problem that awaits solution is that of the two Northern provinces of Phong Saly and Sam Neua. With the withdrawal of foreign forces, the only ex-antagonists left in the country are the troops of the Laotian National Army and the fighting units of "Pathet Lao", and the only places where these two forces will be left near to each other are the provinces of Phong Saly and Sam Neua. Already reports of some

incidents have been received. It is apprehended that unless the political settlement envisaged in the Geneva Agreement is reached at an early date, the provinces might become a source of constant friction and jeopardise the very objectives of the Agreement. The efforts made in this direction by the International Commission have already been described. The hopeful sign is the prospect of negotiations starting between the two Parties in January 1955.

Help and Cooperation Received

196. The Commission has the pleasure to record the help and co-operation that it has received from many sources during the period under review. First of all, the Parties to the Geneva Agreement, in spite of differences of opinion between themselves, have generally shown willingness and readiness to listen to the Commission's advice and to assist the Commission in carrying out its duties as envisaged in the Geneva Agreement. The Commission is thankful to the High Commands of the Franco-Laotian and Vietnamese People's Volunteers/"Pathet Lao" Parties and to their representatives of the Joint Commission in this regard. The consideration that the Commission has received from the Royal Laotian Government, the cooperation that has always been available from the local authorities in the country and from the "Pathet Lao" authorities in the Northern provinces, must also be mentioned. The Commission is particularly thankful to the French Liaison Mission in Vientiane for its unstinted help in supplies and services. Above all, the members of the International Secretariat deserve under very difficult living and working conditions.

(Sd.) J. N. KHOSLA,

Delegate of India and Chairman,

(Sd.) LEON MAYRAND,

Delegate of Canada.

(Sd.) MARIAN GRANIEWSKI,

Delegate of Poland.

Signed this 15th day of January, 1955 at Vientiane, Laos.

APPENDIX 'A'
Withdrawal of vietnamese of People's volunteers/ "Pathet Lao" troops

Serial No.	Units	Position on August 21	Date of Departure & Transport	General route of withdrawal	Staging points	Strength	Remarks concerning checking
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
1	"Pathet Lao"	MUONG NGOI, (Luang Prabang)	Nov 17-18 (advanced to Nov. 13) By Road	MUONG NGOI PHONG SALY	MUONG KHUOA (PHONG) by Nov. 19.	One Coy. of 150 men.	The International Commission's Mobile Team, LUANG PRABANG and Fixed Team, PHONG SALY could not check the withdrawal of PL on Nov 13 from MUONG NGOI to MUONG KHUOA because of the non-availability of helicopters.
2	"Pathet-Lao"	MUONG MO, MUONG NGAN (Xieng Khouang)	Nov 3-5 By Road	MUONG NGAN, SOP HONG, VIET-NAM	Enter SAM NEUA by Nov. 19	Do.	The International Commission's Fixed Team, Xieng Khouang sent to MUONG NGAN on Nov 4, reported that PL withdraw two months ago. The PVV/PL later explained that the troops had to move out of MUONG NGAN, because of the lack of rice, to another locality situated in the same Provisional Assembly Area. They stated that they left the area according to schedule forwarded to the joint Commission.

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
3	"Pathet Lao"	MUCNG PHUONG (Vientiane)	Sep 20-25 (Forbidden to remain in PVV area in TOURAKOM due to shortage of rice) By Road	XIENG MI, SOP SAY, MUONG CHAM	KEN NOI ON Sep 30-Oct 5 SOP PHUENG on Oct. 12-15 enter SAM NEUA by Nov 19	Force of 2 men	The International Commission's Mobile Team Vientiane checked at MUONG CHAM the withdrawal of 100 PVV and 285 PL on Nov. 5. The Team was told that 400 PVV and 300 PL had passed through MUONG CHAM two days earlier.
4	Vietnamese People's Volunteers	TOURAKOM (Vientiane)	Oct 1-5 By Road	XIANG MI, SOP SAY, MUONG CHAM	SUM BONG on Oct 12-15, VANG FIENG on Nov 1-3, enter Vietnam. Nov 5-7	One Battalion of 500 men	
5	Do.	OUTAY-MUONG VA (Phong Saly)	Nov 8-10 By Road	MUONG VA, SOP NAO, VIETNAM	PHONG SALLY on Nov 11-12, MUONG HUN XIENG HUNG on Nov 14, HACHAK on Nov 18, enter Vietnam Nov 20-21 (This route though different from that laid down under Agreement of KHANG KHAY August 30 was agreed to by Joint Group)	One Battalion of 500 men	The International Commission's Fixed Team, PHONG SALLY could not check the withdrawal of about 460 PVV at OUTAY on Nov 8, owing to Lack of helicopter but checked at PHONG SALLY ON NOV 11-12, failed again to contact them at SOP NAO on Nov 21, since they crossed the place on Nov 19. The team was informed that the remaining 18 sick and wounded and their guards were on the way.

6	Vietnamese People's Vc- hunters	MUONG LIET SOP HAO (SAM NEUA)	Nov 15-18 (ad- vanced to NOV 13) By Road	MUONG LIET, MUONG DAI	Enter VIET- NAM by Nov. 19.	One Batta- lion of 500 men.	The International Commission's Fixed Team (Sam Neua) failed to check withdrawal on Nov 16 at PUN MUA because the helicopter could not land.
7	"Pathet Lao"	PHIA FAX, (Pakse)	Sep 15-20 By Road	NAM OM, SIP, HOUEI SIP, PHAN KONG TOM, BAN TH, ONG, LAO NGAM, KENG KA VAO, KE- NG SIM-Follow route No. 23 up till THAT HAI—9 Kilo- meters west of MUONG PH- INE, MUONG SEN, NA NHOM, KA- VAK, NA PA- NG, BAN PHA NOP.	LAO NGAM on Sep 21-25, NA KA PO on Oct 3-7, BAN PHA NOP on Oct 11-13 en- tering SAM NEUA by Nov. 19	One Bat- talion of 400 men.	International Commission Special Mobile Team checked 500 PL troops at Ban Pha Nop on Oct. 11/12.
8	Do.	LAO NGAM (Savane)	Oct 20-30 By Road	LAO NGAM, KENG KA VAO, KENG SIM-Follow route No. 23 up till THAT HAI —9 Kilo- metres west of MUONG PH- INE, MUONG SEN NA, NHOM, KA- VAK NA PANG	NA KA PO on 7-8 Nov, BAN PHA NOP on Nov 11-12, en- ter SAM NEUA by Nov 19— (changed sche- dule LAO NGAM Oct 27, MUONG PH- INE, Nov, 5, NA KA PO Nov 10, BAN	Two batta- lions of 1000 men.	Investigations of the Interna- tional Commission Fixed Team, Pakse between Oct 4 and 20 revealed that a large body (presumably a battalion) of troops left the area on Oct. 8. The Joint Group of Sara- vane failed to contact them, since they followed an un- authorised route for a short distance. The other battalion, according to the of PVV PL, left the area in the middle

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
9	"Pathet Lao"	MUONG NONG (Savannakhet)	Oct 20-25 By Road	BAN PHA NOP THAT HAL, MUONG PHINE, MUONG SEN, NA NHOM, KAVAK, NA PANG, BAN PHA NOP	PHA NOP on Nov 14. NA KA PO on Oct 23-27, BAN PHA NOP on Oct 28-31 (actual passage on Nov 3) enter SAM NEUA by Nov 19	One Battalion of 550 men.	of October. The last units passed through Muong Phine on Oct 19. Only its supply column of 14 was checked by the Fixed Team Pakse near B. Keng Sim on Oct 29, and by Fixed Team Savannakhet at Ban Pha Nop on Nov 14. Fixed Team, Savannakhet checked 500 PL at BAN PHA NOP on Nov 3.
10	Vietnamese People's Volunteers	SENOI-BOUALAFA (Savannakhet)	Nov 15-17 by Road	NA NHOM, KAVAK, NA PANG, BAN PHA NOP	Leave Nov 8, BAN PHA NOP but actual passage through Ban Pha Nop on Nov 16. Frontier crossed on Nov 17.	One Battalion of 500 men.	Fixed Team, Savannakhet checked the cast unit consisting of 422 PVV at BAN PHA NOP on Nov 16.
11	Do.	MUONG MAY (Attapeu)	Oct 15-20 By Road	MUONG MAY, HIN LIT, PHAN KONG TOM, BAN THONG, LAO NGAM, KENG	LAO NGAM on Oct 25-28, NA KA PO on Nov 10-12, BAN PHA NOP on Nov 16-18, crossed	3000 men	A large group of men, according to the PVV/PL, evacuated early and were near LAO NGAM about Oct 2. 500 men were checked in Mahaxay area on Nov 3, and on the same

day at BAN PHA NOP, by the Fixed Team, Savannakhet 2 Coys representing the last PVV/units in this area left Attapeu on Oct 21, were checked on Oct 22 enroute 13 and on Oct 24 at LAONGAM by Fixed Team, Pakse. The left LAO NGAM on Oct 28 and were rechecked (strength given here 296 persons, 22 ponies, 4 elephants) on Oct 30 near B KENG SIM. They followed a route which had not been agreed upon but saved a day's march. They were checked at NA KN PO on Nov 10 (strength 311 persons, 22 ponies, 4 elephants and at BAN PHA NOP on Nov 14 by Fixed Team, Savannakhet.

KA VAO, KE-
NG SIM,--Fol-
low Route No.
23 up till THAT
HAI--9 Kilo-
metres west of
MUONG PH-
INE, MUONG
SEN, NA NH-
OM, KAVAK,
NAPANG, BAN
PHA NOP

frontier Nov
19-- changed
schedule LAO
NGAM on Oct
29-30, MU-
ONG PHINE
on Nov 5, NA
KA PO Nov 10,
BAN PHA NOP
on Nov 14-15).

NOTE:--It was the intention of the International Commission that all PVV/PL troops in Middle and Lower Laos--Serial Nos. 7-11--should be checked at their starting places and finally at BAN PHA NOP, a post close to the Frontier. The post BAN PHA NOP was selected because this was a common point to all units moving from these areas. Owing to short notices it is possible that some of these personnel moving out were not checked, but the majority of the PVV/PL units were checked at BAN PHA NOP between the period October 12 and November 16, 1954. The numbers checked at BAN PHA NOP were as follows:--

Oct 11/12	PVV 400 plus PL 500
Nov 3	PVV 500 plus PL 500
Nov 14	PVV 309 plus PL 15
Nov 16	PVV 422 plus PL 13
Total	PVV 1631 plus PL 1028

As it was not possible to control all the troops, the totals as finally checked did not tally with those given in the 'strength' column. We therefore think that withdrawals actually started prior to the dates notified. We sent a team to carry out a check at BAN PHA NOP of such movements on September 28. The Team could not get to BAN PHA NOP. It was confirmed by the PVV representatives of the Sub-Commission at Mahaxay that a PVV unit was passing through that area on September 28, and that they could not give to the team information of it owing to the movement having taken place at short notice.

APPENDIX 'B'

Withdrawal of French Union Troops

(The French Union troops from the Provisional Assembly Areas of Savannakhet and Pakse were partly checked. Those from the Provisional Assembly Areas of Luang Prabang, Vientiane and Plaine-des-Jarres (except one mule company) were not checked. The High Command of the French Union forces informed the International Commission of only a part of their effectives in each sector. The strength of some units was also not given. It was the intention of the Commission that all the French Union troops should be checked. Owing to short notices a part of this personnel moving out was not checked.)

Serial No.	Units	Position on August 21	Date of departure & transport	Date of arrival at SENO	Date of arrival at border	Strength	Remarks concerning checking
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
1	Platoon (European Commandos)	LUANG PRABANG (Luang Prabang)	September 9 to 23 By Air		Out of Laos September 9 to 23	..	Fixed or Mobile Team not located in the area at the time of withdrawal. No advance information given to enable Commission to send special team from Vientiane.
2	2 1/2 REI (Foreign Legion Battalion)	NAM BAC, MUONG SUNG (Luang Prabang)	September 9 to 23 (Earlier scheduled to leave NAM BAC by Road on August 14) By Air.		Out of Laos September 9 to 23	..	Do.
3	Tabors Command staff in Far East	PLAINE-DES-JARRES (Xiang Khouang)	Sep 15-30 Oct 9-20 Nov 1-15 By Air	Sep 15-30 Oct 9-20 Nov 1-15	Out of Laos	..	Fixed or Mobile Team not located in the area at the time of withdrawal. No advance information given to enable Commission to send Special team from Vientiane.
4	5th Dragoon Squadron	Do.	Sep 13-30 By Air	Remain at SENO	..	..

5	805 Mule Company	Do.	Oct (actual departure was on Nov 12) By Air	Nov 12-13	Out of Laos Nov 13--14	Men--180 Mules--Sold Kit--4 tons	The International Commission's Fixed Team, Savannakhet checked at Seno on November 13--14.
6	Engineer Corps 76/3	Do.	Nov 1--15 By Air	..	Out of Laos	..	Not controlled because no advance information given
7	2/11 DME Mobile Company		Oct 10--15 By Air	Remain at SE-NO		..	Fixed or Mobile Team not located in the area at the time of withdrawal. No advance information given to enable Commission to send special team from Vientiane.
8	1st Troop of 55th Mule Company	Do.	By Air	End of September	Out of Laos after selling mules & equipment	..	Do.
9	2nd Troop of 5 RSM (5th Moroccan Spahis)	VIENTIANE (Vientiane)	Oct 8 by River Mekong Nov 1--15 By Air	Savannakhet on Oct 14 Pakse on Oct 17.	Out of Laos Nov 1--15	..	The unit was not checked at Vientiane. The International Commission's Fixed Team was informed after the troops had left Pakse.
10	EMGT 517, 1/517	SAVANNAKHET (Savannakhet)	..	Remain at Seno		..	
11	8th Tabor Marocain	SENO (Seno)	Nov 1--15 (actual departure was Oct 24)	Savannakhet Oct 24/25	Out of Laos Nov 3--18 (actual crossing took place on Oct 26--27)	Officers and Sub-Officer 100 Troops --814 Jeeps --9 Dodge 15 cwt --25 Military Vehicles --10 Civil Vehicles --50	The International Commission's Fixed Team Savannakhet checked at Savannakhet on Oct 24-25. The Fixed Team Pakse checked two companies at the Cambodian border on Oct 26--27.

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
12	2/3 RTA (Algerian Infantry Battalion)	SENO (Seno)	By road RC 13	Remain at SENO	..	..
13	3/9 RTM (ex 2/4 Moroccan Infantry Battalion)	SENO (Seno)	Nov 2 by RC 13	Pakse on Nov 2	Out of Laos Nov 11-18 (actual crossing on Nov 3).	Men-608 Vehicles-34 (including 6 trailers) Equipment-33 tons	The International Commission Fixed Team Savannakhet checked withdrawal at Seno on Nov 2, and the Sub-Team of the International Commission's Fixed Team Pakse checked at the Cambodian border on Nov 3.
14	Battery 2/69 RA	Do.	Nov 1-15 (actual departure Sep 26) by RC 13		Out of Laos Nov 11-18	Material handed over to Laotian National Army	Personnel not checked.
15	51 CSR	Do.	Nov 1 by RC 13		Out of Laos	Men -65 plus 62 families Vehicles -13 (on loan) Equipment -8 tons	The Sub-Team of the International Commission's Fixed Team, Pakse checked part of the withdrawal at Cambodian border on Nov 4 and the remainder at the same spot on Nov 17.
16	10th Troop of 5th Moroccan Spahis	Do.	Nov 1-15 (actual departure Oct 16) by RC 13	Oct 16.	Out of Laos	Men -56 Armoured cars -6 Scout Cars -4 Half-trucks -2 75mm	The International Commission's Fixed Team at Savannakhet checked departure of two platoons on Oct 16 at Seno.

17	BM/5 RIC (Colonial Infantry Battalion)	PAKSE (Pakse)	Oct. 22 by RC 13	Nov. 15-18 (actual arrival on Oct 24-26) Remain at Seno		Men Jeeps Dodge 15 cwt Civil vehicles Equipment -- 20 tons	--611 -- 3 -- 4 -- 34 -- 20 tons	The International Commission's Fixed Team at Savannakhet checked rear echelon of BM 5/RIC (Men 109, Vehicles 40) coming from Saigon, at Seno on October 23. The Joint Group at Pakse of the Pak Song Sub-Commission checked passage to Seno at SEBAND HIENG on October 26. A check was made at Pakse on the same date by the sub-team of the Fixed Team Pakse.
18	9/1 REC (Foreign Legion Light Infantry Battalion)	Do.	Nov. 15-18 actual departure was in Second week of Sep. by RC 13	Nov. 15-18 (actual arrival was end of Sep. and left Seno for Vietnam by Air within a few days)	Our of Laos			Not checked because no advance information given

APPENDIX C

Prisoners of War and Civil Internees

Nationality	Held by PVV/PL according to F/L	Admitted by PVV/PL	Released by PVV/PL	
			According to PVV/PL	According to F/L
French Union Prisoners of War.	167	600	635 (4 of these were of Vietnamese nationality)	634
French Union Civil Internees	10 Civil Internees	6 Political Internees	6 Political Internees	6 (4 Clergymen, 2 Civil Internees)
Laotian Prisoners of War	999	29	59 Cambodian Prisoners of War	59 Cambodian Prisoners of War
Laotian Civil Internees	900	81 Political Internees 45 Political Internees 10 Died in captivity	33 126 Political Internees	34 118 Civil Internees
TOTAL	2,076	771 (of whom 10 died)	859	851

Nationality	Held by F/L according to PVV/PL	Admitted by F/L	Released by F/L	
			According to F/L	According to PVV/PL
PVV Prisoners of War PVV Civil Internees	399	140 } 11 Prisoners of War held outside Laos. 36 Prisoners of War. 19 Political Internees 74 Civil Internees.	139 } 36 Prisoners of War 4 Civil Internees (excluding one sick) 38 Political Internees 11 Prisoners of War liberated outside Laos.	128 } 25 Prisoners of War 19 Political Internees 74 Civil Internees 10 not prisoners of War, Political Internees or Civil Internees.
PL Prisoners of War PL Civil Internees	266	81 } 15 Prisoners of War 14 Political Internees (of whom 2 escaped) 52 Civil Internees (of whom 7 escaped)	92 } 15 Prisoners of War 32 Political Internees 45 Civil Internees.	92 } 7 Prisoners of War 71 Civil Internees 6 Political Internees 8 not Prisoners of War, Political Internees or civil Internees.
Unspecified Prisoners of War and Civil Internees (whether PVV or PL)	20	20 Unspecified Prisoners of War and Civil Internees 53 Died in captivity		
TOTAL	685	294 (of whom 9 escaped and 53 died)	231	220

NOTE--HVV/PL claim to have released 1,979 Prisoners of War before case-fire from April to July 1953 and 61 Political Internees from November 1953 to 1954.

SECRET

APPENDIX 'D'

INTERNATIONAL COMMISSION FOR SUPERVISION AND CONTROL IN LAOS

Notes for guidance of fixed teams.

Introduction

1. The Fixed Teams are the agents of the International Commission under whose direction they function and to whom they are responsible. They are the means, in their particular areas or on their assignments, by which the International Commission fulfils its responsibilities for control, observation, inspection and investigation connected with the implementation of the provisions of the Geneva Agreement.

General

2. (a) Each Team will normally consist of two members from each country. The senior member will be the representative of the country and the other will be an alternate member. As in the International Commission, the senior member from India will be the Chairman. An alternate member will not vote unless the other member is not present. He may, however, give his opinion at any meeting. The Team is not legally constituted if any one of the three countries is not represented.

(b) Any disagreement about interpretation of the responsibilities of the Team under the Geneva Agreement or under these Instructions, should be referred to the International Commission for clarification or instruction. However, such referral should not delay the investigation or enquiry if the majority decides that the matter is urgent. The Team should cooperate, and it is desirable that its reports should be unanimous. In case of disagreement within the Team about the findings or report of an investigation or enquiry, the dissenting view should be incorporated in a report to the International Commission.

(c) In so far as is practicable, the Team should ensure that one representative of each country remains at the base when the Team moves to carry out an investigation or enquiry away from the locality

(d) The Team will have the assistance of such personnel as interpreters including those locally recruited, cipher operators, signallers and others as required.

Organization of Work

3. The Team should work in close cooperation with its Chairman. The Chairman may request secretarial assistance from the members of the Team. The official languages will be French and English. All unanimous reports and communications to the International Commission will be sent in English, but in case of disagreement, reports may be sent in English or French. Communication to the Commanders of the French or Laotian Forces or the Vietnamese People's Volunteers and "Pathet Lao" or to civilian official should be sent in English along with an unofficial French translation. Members may communicate to their national representatives on the International Commission, if necessary, in their own language and in their own ciphers. The Indian member will be responsible for providing the channel of communication of messages to the International Commission. Normal means of communication will be signals provided by the Indian Delegation. In dealing with the Parties, the principal spokesman for the Team will be the senior Indian member. All work of the Team will be strictly confidential. The Team must not issue any press or radio communique, or hold any press conference.

Responsibilities

4. Each Fixed Team will be allotted the area within which it will operate. It will be given a map indicating its area of responsibility. Within this area of operation the responsibilities and functions of each Team will include:—

1. (a) investigating any reported incidents or complaints, whether civil or military, which may appear to be in violation of the terms of the Geneva Agreement;
- (b) supervising and investigating movements and transfers of the military forces, installations, supplies and equipment of the two parties in accordance with the transfer plans, as well as the provisional assembly areas of both the Franco-Laotian and Vietnamese People's Volunteers/Pathet Lao Forces, keeping in view the safe disposition of the forces;
- (c) supervising at ports, air fields and all places of entry on the river and land routes along the frontiers of Laos the

implementation of the provisions regulating the introduction into Laos of military personnel and war materials assembled or in parts;

- (d) supervising the implementation of the clauses of the Agreement on the cessation of hostilities relating to the rotation of personnel and to supplies for French Union Security Forces maintained in its area;
 - (e) controlling the release of prisoners of war and civil internees;
 - (f) any other duties and responsibilities which may be assigned to the Team by the International Commission, from time to time.
- II. (a) The Team should settle minor incidents or remove causes for incidents by using its influence on the interested parties and attempt to bring them to an amicable settlement. When there is a question of interpretation of the Geneva Agreement or of establishing the fact of a violation of the Agreement, the Team must only gather evidence and forward it to the International Commission with such observations as the members consider necessary;
- (b) Where there is need for interviewing witnesses on questions relating to implementation of the Geneva Agreement, the Team should make every endeavour to secure two interpreters of local languages, one from each Party. If for any reason this is not possible, the Team should state the reason for this in its report.
- (c) If, during an investigation of a specific question, the Team receives from any source information about another incident, or another complaint, it shall take action if the locality of such incident or complaint is accessible and in the area of responsibility of the Team. This may include the possibility of getting evidence which could be relevant for another question coming before the International Commission or a question which could, at a later date, be relevant for the International Commission. The Team shall, in any case, investigate such new report if it is of a specially serious nature or if important evidence might not be available at a later date. The secondary investigation should not, however, interfere with the implementation of the primary task for which the Team went out.

- (d) The Team should try to get as full and complete information as possible regarding the subject of investigation. The Team will hear witnesses produced by either of the Parties. Every effort should be made by the Team to find witnesses and evidence in addition to that produced by interested parties. The Team must accept and forward to the Commission all documentary evidence produced and must not refuse to interview witnesses whose evidence might be of value in connection with the investigation. The Team should indicate whether a document or witness was produced by an interested party or was obtained independently by the Team itself and make any observations it wishes to make on the evidence.

Rights of the Teams

5. Within the limits of its area of operation each Team shall have the right to move freely and shall receive from the local civil and military authorities all facilities it may require for the fulfilment of its tasks (provision of personnel, access to documents needed for supervision, summoning of witnesses needed for enquiries, security and freedom of movement of the Inspection Teams, etc.). It shall have at its disposal such modern means of transportation and communication as it may require.

Liaison and Knowledge of their Areas

6. Each Team should ensure that liaison is maintained with the Sub-Commissions and Joint Groups operating within its area. It must establish and maintain liaison with the local military Commanders of both the Parties. Each Team should ensure that it has such Liaison Officers from the Parties as may be required, depending on the assignment and area of operations. It should also get to know the local civil officials and have knowledge of local administration and conditions in its area. It should have such knowledge of the locations and strength of all military forces of both sides in its sector, including any changes and movements task. Information thus obtained from either side should not be divulged.

Reports

7. The following reports will be submitted:—

- (a) *Daily Situation Report* giving report up to 1600 hours. Nil reports will be sent.
- (b) Weekly report giving a summary of new information, decisions and actions taken by the Team. This report

should also include a summary of all the activities of the Team during the week including administrative matters. The report should be supported by copies of documents that may have been received or examined by the Team.

- (c) Special Reports. These may be submitted at any time by the Team on its own initiative or when called for by the International Commission. Special reports will also be submitted on the results of investigations of specific incidents, violations of the Agreement or matters referred to the Team by the Joint Group, local military Commanders and local civil authorities.
- (d) Special Situation Reports. These should include any information or results of investigations, which in the opinion of the Team must be communicated urgently to the Commission and cannot await Daily Situation Report, and special Report. Examples of such cases are:—
 - (i) When the Team anticipates violation of the provisions of the Agreement.
 - (ii) When as a result of violation, there has been loss of life or property.

8. Reports must be signed by the senior officers of the three countries, unless one of the members does not agree. when action as per paragraph 2 (b) may be taken.

9. All reports will be SECRET.

10. No clerks or typewriters are being provided. Reports will, therefore, be in manuscript—one copy only need be sent and one copy will be retained by the Team.

11. All the vehicles of the Fixed Team shall be painted white. All members shall wear the International Commission's armbands and fly the International Flag on their vehicles. Each member will at all times carry the International Commission's Identity Card as well as the Credential issued to him.

NOTES FOR THE GUIDANCE OF MOBILE TEAMS

INTRODUCTION

1. The Mobile Teams are the agents of the International Commission under whose direction they function and to whom they are responsible. They are the means, on their particular assignments, by which the International Commission fulfils its responsibilities for control, observation, inspection and investigation connected with the implementation of the provisions of the Geneva Agreement.

General

2. (a) Each Team will normally consist of one member from each country. The member from India will be the Chairman. The Team is not legally constituted if any one of the three countries is not represented.
- (b) Any disagreement about interpretation of the responsibilities of the Team under the Geneva Agreement or under these Instructions, should be referred to the International Commission for clarification or instruction. However, such referral should not delay the investigation or enquiry if the majority decides that the matter is urgent. The Team should cooperate, and it is desirable that its reports should be unanimous. In case of disagreement within the Team about the findings or report of an investigation or enquiry, the dissenting view should be incorporated in a report to the International Commission.
- (c) The Team will have the assistance of such personnel as interpreters, including those locally recruited, cipher operators, signallers and others as required.

Organisation of Work

3. The Team should work in close cooperation with its Chairman. The Chairman may request secretarial assistance from the members of the Team. The official languages will be English and French. All unanimous reports and communications to the International Commission will be sent in English, but in case of disagreement, reports may be sent in English, or French. Communications to the Commanders of the French or Laotian Forces or the Vietnamese People's Volunteers and "Pathet Lao" or to civilian officials should be sent in English along with an unofficial French translation. Members may communicate to their national representatives on the International Commission, if necessary, in

their own language and in their own ciphers. The Indian Member will be responsible for providing the channel of communication of messages to the International Commission and/or National Delegation. Normal means of communication will be signals provided by the Indian Delegation. In dealing with the Parties, the principal spokesman for the Team will be the Indian Member. All work of the Team will be strictly confidential. The Team must not issue any press or radio communique, or hold any press conference.

4. For administrative convenience, a Mobile Team may be located in the same station as a Fixed Team. A Mobile Team will be available as a reserve to the International Commission to carry out such specific tasks as may be given to it by the International Commission. As far as possible, a Mobile Team will be employed in the area with which it is familiar, but it must be prepared to be sent out to any part of LAOS at a short notice.

Rights of the Teams

5. Within the limits of its area of operation, each Team shall the right to move freely and shall receive from the local civil and military authorities all facilities it may require for the fulfilment of its tasks (provisions of personnel, access to documents needed for supervision, summoning of witnesses needed for enquiries, security and freedom of movement of the Inspection Teams, etc.). It shall have at its disposal such means of transportation, observation and communication as it may require.

Liaison and Knowledge of Their Areas of Assignment.

6. Within the scope of its assignment, each Team shall have operating within the scope of its assignment maintain liaison and contact with it. It must establish contact and get to know local military Commanders of both the parties. Each Team should ensure that it has such Liaison Officers from the Parties as may be required, depending on the assignment and area of operations. It should also get to know the local civil officials and have knowledge of local administration and conditions in its area of assignment. Any information obtained from either side should not be divulged.

Reports

7. The following reports will be submitted:—

- (a) *Daily Situation Report* giving report up to 1600 hours. Nil reports will be sent.
- (b) *Special Reports*. These may be submitted at any time by the Team on its own initiative or when called for by the International Commission.

(c) *Special Situation Reports.* These should include all information or results of investigation which may be sent up by message, which in the opinion of the Team must be urgently communicated to the Commission and cannot await Daily Situation Report or Special Report. Examples of such cases are:—

- (i) when the Team anticipates violation of the provisions of the Agreement;
- (ii) as a result of violation, there has been loss of life or property.

8. Reports must be signed by the senior officers of the three countries, unless one of the members does not agree, when action as in para 2 (b) may be taken.

9. All reports will be *SECRET*.

10. No clerks or typewriters are being provided, Reports will, therefore, be in manuscript—one copy only need be sent and one copy will be retained by the Team.

11. All the vehicles of the Mobile Team shall be painted white. All members shall wear the International Commission's armbands and fly the International Flag on their vehicles. Each member will at all times carry the International Commission's Identity Card as well as the Credential issued to him.

12. Owing to very bad state of land communications, the Team must be prepared to move about on foot or by use of local animal transport. When possible, light aircraft and helicopters will be provided. Provisionally they are located as follows:—

PLAINE-DES-JARRES	.. One Light Aircraft and One Helicopter.
LUANG PRABANG	.. One Light Aircraft and One Helicopter.
VIENTIANE	.. One Light Aircraft.
SENO	.. One Light Aircraft.

Normally, the Team will be informed as to the mode of transport and necessary arrangements that have been made. The Team should, however, maintain liaison for Transport purposes with the local authorities.

Each Team has been provided with a mobile wireless set. Whenever the Team proceeds on its task, it should take the set along with it. Owing to difficulties of transport, it may not always be possible to take the mobile wireless equipment with the Team. In such cases the Team will communicate by using the local communications available.

APPENDIX 'E'

Table of reported incidents and investigations carried out upto 31st December, 1954

Complaints received from Franco-Laoian Party

Nature of Complaints	Total No. of Complaints	For I.C.'s Information	Lodging Protest	Requesting Intervention	Requesting Investigation	Investigation	
						Ordered	Carried out
	1	2	3	4	5	6	7
A Attack ; Threat of attack ; Occupation of territory ; Presence outside assembly area.	53	25	2	2	24	15	9
Paratropping of troops and War materials on the territory under military control of the Other Party.	..	..	..	..	..	..	..
Distribution of arms among the population for warlike purposes.	..	..	..	..	..	..	..
Presence of PVV troops after 19-11-54	5	2	..	..	3	2	1
TOTAL of A	58	27	2	2	27	17	10

B									
Murder and Torture . . . . .	..	..	..	..	..	..	..	..	..
Threat and Act of terrorism against the population.	2	1	..	..	..	1	..	..	..
Arrest and Detention of persons	10	3	1	1	1	5	1	1	1
Looting ; Illegal requisition ; Illegal taxation and Destruction of property.	7	4	..	..	..	3	2	2	2
TOTAL of B	19	8	1	1	1	9	3	3	3
C									
Provocative propaganda	6	2	2	..	..	1	1	1	1
Violation of air space . . . . .	..	..	..	..	..	..	..	..	..
Obstruction to payment for purchase of rice .	..	..	..	..	..	..	..	..	..
Obstruction to contact units and authorities .	..	..	..	..	..	..	..	..	..
Obstruction to civil traffic	2	2	..	..	..	..	..	..	..
Positions of LNA troops in Northern Provinces	16	..	..	..	..	16	16	3	3
TOTAL of C	24	5	2	..	..	17	17	4	4
TOTAL of A, B and C	101	40	5	3	3	53	37	17	17

APPENDIX 'F'

Table of reported incidents and investigations carried out upto 31st December, 1954

Complaints received from PVV/PL Party

Nature of Complaints	Total No. of Complaints	For I.C.'s information	Lodging Protest	Requesting Intervention	Requesting Investigation	Investigation on	
						Ordered	Carried out
	1	2	3	4	5	6	7
A							
Attack ; Threat of attack ; Occupation of territory ; Presence outside assembly area.	61	18	8	2	33	12	8
Paratropping of troops and War materials on the territory under military control of the other Party.	9	..	..	..	9	9	8
Distribution of arms among the population for warlike purposes.	1	..	..	..	1	1	1
TOTAL of A	71	18	8	2	43	22	17

B

Murder and Torture	15	2	1	2	10	2	2	2
Threat and Act of terrorism against the population.	9	3	1	1	4	1	1	1
Arrest and Detention of persons	26	9	3	3	11	4	3	3
Looting Illegal requisition ; Illegal taxation and Destruction of property.	10	4	4	..	2	..	..	..
TOTAL of B	60	18	9	6	27	7	6	6
C								
Provocative propaganda	3	1	..	2	2	1	1	1
Violation of air space	2	2	..	..	..	..	..	..
Obstruction to payment for purchase of rice .	2	..	..	..	2	1	1	1
Obstruction to contact units and authorities	1	..	..	..	1	1	1	1
Obstruction to civil traffic . . . . .	..	..	..	..	..	..	..	..
Positions of LNA troops in Northern Provinces	..	..	..	..	..	..	..	..
TOTAL of C	10	3	..	2	5	3	3	3
TOTAL of A, B and C	141	39	17	10	75	32	26	26

APPENDIX 'G'

Letter No. 129/VL, dated 20th October, 1954 from the Vietnamese People's volunteers "Pathet Lao" delegation addressed to the International Commission

The problem of the two provinces of Phong Saly and Sam Neua is a political problem, included in the ensemble of problems tied up with the general political settlement. This problem must be settled at the same time as other political problems as catered for in the Geneva Agreement, after the fighting units of "Pathet Lao" have regrouped in the two provinces.

But the Franco-Laotian Delegation has proposed to solve this problem in the framework of military questions, and therefore the Vietnamese People's Volunteers/"Pathet Lao" Delegation considers it necessary to clarify its point of view on this question as follows:—

I

Article 14, Chapter III of the Geneva Agreement states:—

"Pending a political settlement, the fighting units of "Pathet Lao", concentrated in the Provisional Assembly Area, shall move into the Provinces of Phong Saly and Sam Neua, except for any military personnel who wish to be demobilised where they are. They shall be free to move between these two Provinces in a corridor along the frontier between Laos and Vietnam bounded on the south by the Line Sop Kin, Na Mi, Sop Sang, Muong Son.

"Concentration shall be completed within one hundred and twenty (120) days from the date of entry into force of the present Agreement."

The implementation of the Geneva Agreement and bearing in mind the concrete and true situation in Laos, the decision on the regroupment and withdrawal of forces, signed at Khang Khay on 30th August, 1954, laid down six Provisional Assembly Areas for the fighting units of "Pathet Lao" and stated at the same time that all these units, thus assembled in the six Provisional Assembly Areas, will transfer themselves to the two provinces of Phong Saly and Sam Neua to await a final political settlement.

(a) From a legal point of view: the two abovementioned Agreements have already clearly laid down that the

whole of the two provinces of Phong Saly and Sam Neua constitutes the final regroupment area for all the fighting units of "Pathet Lao", for:—

- (1) The terms used in Article 14 have clearly specified that the fighting units of "Pathet Lao" "shall move into the two provinces of Phong Saly and Sam Neua, pending a political settlement." This means that the transferred fighting units of "Pathet Lao" will station themselves throughout the two provinces because the term "province" implies the totality of the territory within its limits and, if it had been otherwise, the wording would have been that the fighting units of "Pathet-Lao" would move into a zone within the two provinces."

Furthermore, the same article states: "pending a political settlement, the fighting units of "Pathet Lao" shall move into the two provinces." This means also that till a political settlement has been reached, the fighting units of "Pathet Lao" will remain stationed in the two provinces to await this political settlement, and there is absolutely no necessity for them to be the subject of any other settlement if the political settlement has not yet been reached.

- (2) The decision on the regroupment and withdrawal of forces, signed at Khang Khay on 30th August, 1954 has laid down only six Provisional Assembly Areas for the fighting units of "Pathet Lao" but made no reference to the provinces of Phong Saly and Sam Neua. This provision clearly indicates that the two provinces of Phong Saly and Sam Neua constitute in their totality the final regroupment area for the forces of "Pathet Lao", and that in these two provinces there exist no units of the forces of the other party; this fact caused the two Delegations to give up selecting in the two provinces Provisional Assembly Areas necessary for the disengagement of the forces of the two Parties in regions where they are.
- (b) On the subject of negotiations carried out in a spirit of mutual concessions, no one can deny that the "Pathet Lao" Party, always peace loving, has already made great concessions. Before the signing of the Agreement, the forces of "Pathet Lao" controlled almost half of the whole

territory of Laos having large bases of operations in the provinces of Luang Prabang, Vientiane, Thakhek, Savannakhet, Saravane, Attapeu, Pakse, etc. These bases contained "Pathet Lao" administrative organisations, armed forces, regular and irregular, and organisations of the National United Front, Neo Lao Issara. Now that the Agreement has been signed, in order to implement effectively the cease-fire and the disengagement of the forces of the two Parties, with a view to a rapid re-establishment of a lasting peace in Laos, the fighting units of "Pathet-Lao" had to evacuate these bases, and overcome incredible difficulties entailed in marches of over a thousand kilometres to rejoin the two provinces of Phong Saly and Sam Neua, to await for a short while a final political settlement. These considerable concessions and these almost super-human efforts have sufficiently proved our will for peace and our sincere spirit of always wanting to negotiate to arrive at a freely consented unification of the two Parties.

It is in a spirit of concession that we accepted to assemble the fighting units of "Pathet Lao" in the two provinces of Sam Neua and Phong Saly only, entirely liberated and placed under the control of the "Pathet Lao" since April, 1953 and February, 1954, whereas the "Pathet Lao" forces controlled at this time large areas in the 10 other provinces. But we have reached the limit of our concessions and we consider that the Agreement giving the "Pathet Lao" the two provinces as a Provisional Assembly Area, pending a political solution which will settle the problem of unification of Laos, is an entirely reasonable measure, consistent with our sentiments and our peaceful stand which always remains unchanged from the beginning till the present.

II

The point of view of the Franco-Laotian Delegation on this problem of the two provinces can be summed up in the two following points:—

place this problem in the framework of military question in order to ask for its settlement before a political settlement;

asking that the presence of the Laotian National Army in these two provinces be recognised in order to obtain a stationing area in these two provinces.

- (a) As was mentioned earlier, the problem of the two provinces is a political problem to be solved by the representatives of the "Pathet Lao" Government and those of the Royal Government in the coming negotiations, at the same time as other political problems. As far as the military aspect of this problem is concerned, it has already been settled: this military settlement as the determination of a regroupment zone constituted by the two provinces and allotted to the fighting units of "Pathet Lao", pending a final political settlement, in accordance with the spirit of Article 14 of the Geneva Agreement.

The Franco-Laotian Delegation has submitted certain proposals which it terms military measures to be taken before any political settlement. But at a first glance itself it appears that these measures are not of a military nature; on the contrary these measures are exactly political included in the ensemble of political problems to be discussed shortly by the representatives of the two Governments concerned. For, proposals such as the delimitation of zones of influence of the forces of the two Parties, the placing of a representative of the Royal Government in the two provinces, with his Headquarters in the capital of each province, are they not questions of a political nature? All these questions, clearly of a political nature, are not, in our opinion, within the sphere of responsibility of the Delegations of the Military Command of the two Parties in the Joint Armistice Commission, but must be discussed and settled in the coming political conferences between representatives of the "Pathet Lao" Government and those of the Royal Government.

- (b) The argument of the Franco-Laotian Delegation that there exists in the two provinces elements of the Laotian National Army is entirely without foundation.
- (1) The two provinces Sam Neua—Phong Saly are provinces reserved to the "Pathet Lao"; the "Pathet Lao" Liberation Forces worked therein since long and were able to create several strong and large bases. In April, 1953 the province of Sam Neua was completely liberated, as was a little later the province of Phong Saly in February, 1954. The forces of the French Union and the Laotian National Army in these two provinces were almost entirely wiped out, there only remained a

very small portion who had succeeded in running away to the provinces of Luang Prabhang and Xieng Khouang. Since then, "Pathet Lao" Administrative Organisations of all levels, from the level "BAN" (village) to the level KHOENG (province), have been set up in these two provinces; the population is happy to live peacefully and happily under the regime of the "Pathet Lao" Administration. No unit of the French Union or the Laotian National Army forces appeared there.

- (2) But since the cease-fire, taking advantage of our respect for the Agreement, the Franco-Laotian forces have wilfully committed serious violations of the Agreement:

With contempt for all Agreement and decisions signed, Franco-Laotian elements endeavoured to enter secretly or openly, or to drop by parachute in several areas inside the two provinces which Article 14 of the Geneva Agreement has earmarked as the final regroupment zone for all fighting units of "Pathet-Lao". The successive para landings in Boun Neua carried out from 23rd August to date are a striking example, against which we have on several occasions protested without ever being able to extract one reply even from the Franco-Laotian Delegation.

Furthermore, the Franco-Laotian Command has assembled in these two provinces vagabond elements to form them into groups of "pirates", has supplied them with the necessary means and has incited them to acts of plunder, sabotage, terrorism against the civil population. We call them "pirates", not because we wish to use a hostile term as the Franco-Laotian Party often suggests, but simply because of the nature of their activities, these being only acts of plunder, destruction, acts against the life and property of the population, thefts, etc., which are not of a military character. All these incidents relating to paradrops, penetrations and fresh extensions by Franco-Laotian elements, hostile acts with the use of arms against our troops after the cease fire, clearly indicate the hidden intentions of the Franco-Laotian Party, whose sole aim is to make official the presence of elements who have recently penetrated (in the two provinces of Phong Saly and Sam Neua) or dropped and of these groups of pirates-sabo-

teurs which the Franco-Laotian Party falsely terms "units of the Laotian National Army", to reduce to naught Article 14 of the Geneva Agreement.

Thus, the Franco-Laotian Party, not only has not honestly implemented the clauses of Article 14 and of the decisions of Khang Khay, but is also trying to provoke serious incidents in flagrant violation of the spirit and letter of the Agreements, thus creating fresh difficulties and fresh obstacles to the final political settlement and to the implementation of the clauses of the Agreement, particularly to the transfer of the fighting units of "Pathet Lao" to the two provinces of Phong Saly—Sam Neua and to the withdrawal of the forces of the Vietnamese People's Volunteers to Vietnam.

CONCLUSION

All the above-mentioned facts show clearly that the Vietnamese People's Volunteers/"Pathet Lao" Party has till now spared no efforts to sincerely implement the Agreements, whereas the Franco-Laotian Party is always showing signs of a lack of goodwill and is endeavouring by all means possible to interpret them wrongly. But in the spirit of rapidly re-establishing a lasting peace and a peace consistent with the Geneva Agreement and those of Khang Khay, the Vietnamese People's Volunteers/"Pathet Lao" Delegation always wishes that a reasonable solution to the problem of the two provinces be found as soon as possible in the next meetings between the two Presidents of the two Governments, Royal and "Pathet Lao". This is also the hope and will of all the Laotian people in the ten other provinces who, after 8, 9 years of heroic and difficult resistance, only wish to live in peace. This settlement is also the hope and will of all the fighting units of "Pathet Lao" as well as that of the "Pathet Lao" Government who, as everybody else, only hopes to see a Laotian country "PACIFIED, UNIFIED, INDEPENDENT and DEMOCRATIC"

Translation from original Vietnamese.

APPENDIX 'H'

Letter No. 820/C.M.L. dated 10th October, 1954 from the Franco-Laotian Delegation Addressed to the International Commission.

During the last plenary assembly of the International Commission and the Joint Commission held in Vientiane, you had asked the Heads of both the Delegations for a concise Aide-memoire defining the point of view of each one of them on the question of Phong Saly and Sam Neua provinces.

I have the honour to enclose the Aide memoire drafted by the Franco-Laotian Delegation to the Joint Armistice Commission in Laos

* * * * *

AIDE-MEMOIRE

DRAWN UP FOR THE INTERNATIONAL COMMISSION TO DEFINE THE POINT OF VIEW OF THE FRANCO-LAOTIAN DELEGATION ON THE JOINT COMMISSION ON THE QUESTION OF "PHONG SALY"—"SAM NEUA".

I. *Origin of the Problem*

- (1) Units of the Laotian National Army are stationed in the two provinces of Phong Saly and Sam Neua. The adverse Party *officially* denies the existence of these units, at the same time fighting against them in order to destroy them before any control has been made by the International Commission.

It is upto the International Commission to verify the presence of these units and to have the "cease-fire" respected in these two provinces as in the rest of Laos.

- (2) The Agreements and Final Declaration of the Geneva Conference recognise that the sovereignty of the Royal Laotian Government extends over the whole of the territory of Laos. That Government, therefore, must be able to re-position its administration in the provinces of Phong Saly and Sam Neua, as an expression of its sovereignty. It is the duty of the international Commission to see to it that the adverse Party does not continue to oppose this.
- (3) Article 12 of the Geneva Agreement provides that "Pathet Lao" forces be stationed in 12 Provisional Assembly Areas,

i.e., of one area per province. This means that there is an area in each of the provinces of Phong Saly and Sam Neua (1).

Article 14 stipulates that "Pathet Lao" forces will assemble in the provinces of Phong Saly and Sam Neua without defining that each of these provinces constitutes in its entirety an Assembly Area.

This lack of definition is at the origin of divergent interpretations of the two Parties.

The Franco-Laotian Delegation referring to the basis of agreements—"Cease-fire by the separation of forces" prescribed by Article 11—has concluded in the necessity of an equitable separation (2) as being the only means to separate forces which two months after the end of hostilities are still engaged in murderous operations.

The first three points seem to have been approved by the International Commission in its letter ICSC/13 of 30th August.

- (4) A fourth point must be the subject of a decision on its part. It seems that, taking into consideration the sovereignty recognised by the Agreement of the Laotian Government, the administrative capitals of these two provinces—Phong Saly and Sam Neua—can only be situated inside the zones allocated to the Laotian National Army.

II. Solution Proposed by the Franco-Laotian Delegation.

The provisional division of these two provinces could be established along the following lines:—

- (a) necessity to centre the assembly of Laotian National Army and "Pathet Lao" units in regions of which the greater part was held by them at the time of the "Cease-Fire";
- (b) need to provide liaison between the two regions assigned to the fighting units of "Pathet Lao" in order to respect the liaison possibilities which are granted them by Article 14;
also between the regions allocated to the Laotian National Army in these provinces and in the contiguous provinces of Xieng Khouang and Luang Prabang;
- (c) need to take into account in this provisional division which may mean that certain areas held by the Laotian National Army and "Pathet Lao" at the time of the "Cease-Fire"

N.B. (1).—Since the territory of Laos comprises 12 provinces, Phong Saly and Sam Neua are included

will have to be abandoned, of economic resources, of the importance of population and the possibility of getting any supplies;

- (d) need to include Sam Neua and Phong Saly in the zones reserved for the Royal Government of Laos, these chief towns being the obligatory Headquarters of the Representatives of this Government, the only one recognised in Geneva. Presence of the fighting units of "Pathet Lao" in the Royal administration, as the Royal Government of Laos took upon itself in its unilateral declaration made during the signature of the Agreement.

The Franco-Laotian Delegation would have liked to study these proposals during meetings of the Joint Commission in order that these proposals be the subject of a decision at the military level.

Unfortunately the Delegation of the adverse Party formally refuses to accept these proposals, being unable to accept either the setting up of the administrative authorities of the Royal Government of Laos in these two provinces, or their division as long as no political agreement has been entered into by the "Pathet Lao" and the Royal Government.

N.B. (2).—The Northern corridor of the province of Luang Prabang being only for the "Pathet Lao" units just an area of free circulation and not of assembly as defined in Article 14, Chapter III.

(Translation from original French)

APPENDIX 'I'

Declaration made by Colonel Singkapo on 4th November, 1954 at the meeting of the International Commission with the Joint Commission at Vientiane.

Mr. Chairman, Messrs. Ambassadors and Members of the International Commission, Messrs. Representatives of the forces of the French Union and of the Laotian National Army: On 28th October in a place within the regroupment area of the fighting units of "Pathet Lao", Prince Souphannou Vong made the following declaration:—

"I solemnly declare that the forces of "Pathet Lao" are ready to co-operate with the Royal Government in order to implement the Geneva Agreement, consolidate peace and unify the Kingdom of Laos."

As representative of the "Pathet Lao" at the Joint Armistice Commission for LAOS, I declare that the "Pathet Lao" forces recognise the Royal Government and that in principle the administration of "Pathet Lao" in the two provinces of Sam Neua and Phong Saly is classified under the Supreme Authority of the Royal Government. More than ever the declaration of 28th October by Prince Souphannou Vong and the declaration that I have just made at this meeting give sufficient proof of our goodwill for peace and of our sincere spirit of co-operation with the Royal Government in order to implement the Geneva Agreement, consolidate peace and unify the Kingdom of LAOS. This goodwill towards peace and this sincere spirit for co-operation on the part of the "Pathet Lao" is the most essential element to create conditions favourable to the negotiations to take place in future between the two princes, Souvannou Vong and Souphanra Phouma at Khang Khay, negotiations which should give happy prospects of a political settlement for consolidating peace unifying the Kingdom of LAOS.

(Translation from original French)

APPENDIX 'J'

Statement of Prince Souvanna Phouma on 4th November, 1954.

I note with great satisfaction the statement made to the International Commission by M. Singkapo in the name of Prince Souvannou Vong. It marks a step forward towards the realisation of the desire expressed by the Royal Government in their Declaration at Geneva of bringing about the integration of all their citizens in the national community, without discrimination.

The statement of M. Singkapo will also contribute to dissipate a malaise in the public opinion by making a formal denial of the subversive propaganda which was manifesting itself in numerous villages and which questioned the supreme authority of His Majesty the King and that of his Government.

This statement shall be submitted to the future responsible government for its appreciation. The latter will not be able to do otherwise than follow the undertakings contained in the Governmental Declaration of which an official cognizance was taken by the 9 Powers represented at the Geneva Conference.

The unity of Government implies of necessity the unity of administration and unity of the Armed Forces.

The gesture that has just been made permits one to hope that the government called upon to succeed the Ministry which I had the honour to lead will, without major difficulties, arrive at an internal political settlement as necessitated by the march of events.

The Kingdom of Laos will emerge strengthened.

(Translation from original French in the "Lao Presse" of 4th November, 1954)

APPENDIX 'K'

Extract from a Speech made by H. E. Katay D. Sasorith on 23rd November, 1954, while presenting His Government to the National Assembly.

* * * * *

I would have liked indeed to be able to appeal also on this question to certain select men, who form part of this last group of resistance, called "Pathet Lao". Unfortunately, it is not possible to contact them in the shortest possible time, when, considering the exceptional gravity of the present situation, the governmental crisis cannot be prolonged without compromising the future of the country. But as soon as you would have given us your confidence, we shall work with all our ardour and with all our patriotic belief for the integration of all partisans of the "Pathet Lao" into the national community. And we undertake to offer our resignation as soon as this integration has been realised in order to give to the National Assembly the possibility of associating with the task of national restoration the most competent and most capable children of the land without distinction of origin or of blood.

* * * * *

(Translation from original French in the "Lao Presse" of 25th November 1954.

नवम्बर १९५४



सत्यमेव जयते



SECOND INTERIM REPORT

of the activities of

**THE INTERNATIONAL
COMMISSION FOR SUPERVISION
AND CONTROL IN LAOS**

सत्यमेव जयते

1st January—30th June 1955

PRINTED IN INDIA BY THE GENERAL MANAGER,
GOVT. OF INDIA PRESS, NEW DELHI, 1956.

TABLE OF CONTENTS

CHAPTER	SUBJECT	PAGE
	INTRODUCTION	iii
I	Dissolution of the Joint Commission	1
II	Negotiations : Political and Military	5
III	Phong Saly and Sam Neua	11
IV	Democratic Freedoms	17
V	Complaints and Investigations	19
VI	Forced Recruitment	25
VII	Compensation and Payments	26
VIII	Prohibition of Introduction of Fresh Troops, Military Personnel, Armaments, Munition and Presence of Unauthorised Foreign Troops	28
IX	Prisoners of War and Civilian Internees	31
X	Removal and Neutralization of Mines	32
XI	Work of the Graves Commission	33
XII	Establishments and Organisation	38
XIII	Public Relations	40



APPENDICES

No.	SUBJECT	PAGE
'A'	Joint Declaration of the Political Delegations of the two Parties dated 9th March, 1955	41
'B'	Draft Canadian Resolution of 3rd May, 1955 regarding Political Negotiations	42
'C'	Resolution concerning Nong Khang incident	44
'D'	Draft Canadian Resolution of 24th May, 1955 regarding Re-establishment of Royal Administration	47
'E'	Reported Incidents and Investigations (Complaints from 'Pathet Lao')	49
'F'	Reported Incidents and Investigations (Complaints from Royal Government)	51
'G'	'Pathet Lao' letter rejecting Nong Khang Resolution.	53
'H'	Instructions to Teams regarding Control of War Materials, etc. (Draft of January, 1955)	55
'I'	Instructions to Teams regarding Control of War Materials, etc., (April, 1955)	61
'J'	Amendment to Instructions regarding Supervision of 1,500 Personnel of French Military Mission	66
'K'	Prisoners of War and Civil Internees	67
'L'	Convention on Graves	69
'M'	Press Communiques	73

INTRODUCTION

The First Interim Report of the International Commission for Supervision and Control in Laos was submitted to the Co-Chairmen on 15th January, 1955 and covered the period from 11th August to 31st December, 1954.

The present Report on the activities of the Commission relates to the period 1st January to 30th June, 1955 and gives an account of the extent to which the terms of the Geneva Agreement were implemented.

This Report should be read in continuation of the First Interim Report.

VIENTIANE, LAOS;
26th August, 1955.



SECRET

CHAPTER I

DISSOLUTION OF THE JOINT COMMISSION

1. It is specified in the Geneva Agreement that while the "control and supervision of the application of the provisions of the Agreement" are vested in the International Commission under Article 25, the responsibility for "the execution of the Agreement" lies under Article 24, with the Parties themselves. Therefore the Parties set up under Article 28 at Khang Khay a Joint Commission consisting of the representatives of the Vietnamese People's Volunteers/'Pathet Lao' High Command on the one hand and those of the Franco-Laotian High Command on the other.

2. The International Commission since its inception was closely associated with the Joint Commission in the implementation of the military clauses of the Geneva Agreement, leading to the final withdrawal of foreign troops on 19th November, 1954.

3. The Royal Laotian Government, on the plea that the withdrawals had been completed, instructed the Franco-Laotian Delegation on the Joint Commission on 20th December, 1954 to recall their representatives on the Joint Sub-Commissions of Mahaxay and Paksong, and on the Joint Groups, by 1st January, 1955, and to regroup them all at Khang Khay.

4. The Royal Laotian Government thereafter proposed to the International Commission that the Joint Groups be disbanded, since Article 28 of the Geneva Agreement stipulated that "the Joint Groups shall follow the forces in their movements and shall be disbanded once the withdrawal plans have been carried out." The Royal Government alleged that the continued activity of these Joint Groups constituted "a foreign interference in the affairs of the Kingdom."

5. The International Commission informed the Royal Government on 7th January, 1955 that though "the action taken by the Franco-Laotian side in regrouping their personnel from the Joint Groups was within the letter and spirit of the Geneva Agreement and the Khang Khay Agreement, it would have been conducive to harmony and goodwill had the Franco-Laotian side consulted the Vietnamese People's Volunteers/'Pathet Lao' side before taking action." It added that "the Joint Sub-Commissions in Central and Lower Laos were created under the Khang Khay Agreement for certain tasks. Before regrouping the Joint Sub-Commissions the International Commission feels that the Parties in the Joint Commission should examine whether these have been fulfilled by the Joint Sub-Commissions. In case of disagreement on this point, they may again come to the Commission for a recommendation."

6. The Vietnamese People's Volunteers/'Pathet Lao' Delegation protested vehemently against this unilateral action of the Franco-Laotian Delegation. The contention of the Vietnamese People's Volunteers/'Pathet Lao' Delegation was that:—

- (a) It was specified in the Khang Khay Agreement that the two Joint Sub-Commissions were created, one in Middle Laos,

SECRET

SECRET

2

and the other in Lower Laos, "to facilitate in their zone of competence the work of the Joint Commission on which they depend and for the implementation of the clauses of the Geneva Agreement." Thus, since the clauses of the Geneva Agreement had not yet been fully implemented, it was proper that these joint organisations should be retained.

- (b) It was specified in the Khang Khay Agreement that the Joint Groups were to "participate in the execution of the clauses of the Agreement on the cessation of hostilities." The clauses of the Geneva Agreement not having been fully implemented, the Joint Groups had to be retained to "participate in the execution of the clauses of the Agreement."
- (c) The withdrawal of Joint Groups meant an annulment or amendment of the Khang Khay Agreement and should therefore have been submitted, as a question of principle, to a detailed discussion between the two Parties, and should never have been decided upon by one of them only.
- (d) These joint organisations were being employed in the settlement of numerous questions not solved until then, particularly the question of payments and the violations of Article 15 of the Geneva Agreement which were engaging the serious attention of the International Commission and the two Parties.

7. On 14th January, the Franco-Laotian Delegation went further and announced their wish for the immediate dissolution of the Joint Commission itself.

8. The problem was considered by the International Commission at its meeting of 18th January. It was decided that the two Parties should be asked to submit to it before 24th January, memoranda, jointly or separately, stating their points of view. It was further agreed that the subject should be discussed at the next meeting with the Joint Commission.

9. The Franco-Laotian Delegation pointed out in their memorandum that the Joint Commission had been set up, under Article 28, "to facilitate the implementation of the clauses relating to the withdrawal of foreign forces", and that this withdrawal having been completed, the Joint Commission had outlived its utility. They added that the issues which remained to be solved under the Geneva Agreement were wholly concerned with the internal political arrangement of Laos, and a Joint Political Committee consisting of only the Royal Laotian and 'Pathet Lao' representatives had been set up at Plaine-des-Jarres for this purpose.

10. The objections which the Vietnamese People's Volunteers/'Pathet Lao' Delegation raised against the disbandment of the Joint Groups were repeated with much greater emphasis at the time of the suspension of the activity of the Joint Commission. The contention of the Vietnamese People's Volunteers/'Pathet Lao' Delegation was that the Joint Commission had been created under the terms of

SECRET

SECRET

3

the Geneva Agreement and of the Khang Khay Agreement of 30th August, 1954 and hence it could not be dissolved unless the clauses of the two Agreements had been fully implemented. There were various problems and incidents during the execution of the above two Agreements which required the attention of the Joint Commission. The dissolution would not only be against the letter and the spirit of the Agreements signed at Geneva and Khang Khay but create innumerable difficulties for the International Commission in the execution of its task of supervision and control.

11. It should be observed that these differences were never discussed between the Parties at any session of the Joint Commission.

12. The subject was discussed by the two Parties for the first time at their meetings with the International Commission towards the end of January, 1955. Considering that the Franco-Laotian Delegation had already, by a unilateral decision on their part, withdrawn from the Joint Commission, these meetings were held under difficult circumstances. Though this unilateral decision did not amount to a dissolution of the Joint Commission, it deprived the Franco-Laotian Delegation of all authority. In fact, from 31st January, 1955 following an express order from the Royal Laotian Government, the meetings had to be continued without even the physical presence of the Royal Laotian representatives. The French Union Delegation refused to make any fresh proposal that went beyond the instructions given them by the Royal Laotian Government.

13. The Franco-Laotian Delegation asserted their right to make a unilateral decision, citing International Law which allowed a Party to denounce an agreement when the agreement did not set any definite time limit for its implementation. They pointed out moreover that Article 22 of the Geneva Agreement envisaged the creation of successors to the signatories to the Geneva Agreement.

14. The Franco-Laotian Delegation demanded that the Joint Commission, containing "a military foreign body", should be disbanded and that the Vietnamese People's Volunteers and French Union Delegations should cease to function in Laos in a Liaison Mission or in any other capacity. They suggested that the International Commission could be aided in its task by a Joint Royal Laotian/'Pathet Lao' Mission with Headquarters in Vientiane and that contact with the High Commands of the French Union Forces and of the Democratic Republic of Vietnam should if necessary, be established through the French High Representative in Laos and the International Commission at Hanoi respectively.

15. The Vietnamese People's Volunteers/'Pathet Lao' Delegation agreed that the task of the International Commission could be facilitated if a Liaison Mission were established in Vientiane for a more direct contact between the Commission and the two Parties.

16. On 12th February the leader of the Vietnamese People's Volunteers/'Pathet Lao' Delegation closed the debate with a statement

SECRET

SECRET

4

agreeing to instal a 'Pathet Lao' Liaison Mission with the International Commission but maintaining that a Mission which consisted only of 'Pathet Lao' Delegates was not sufficiently qualified to represent both the Vietnamese People's Volunteers High Command and the High Command of the Fighting Units of 'Pathet Lao'. According to their view the Vietnamese People's Volunteers Delegation, as one of the Parties of the Geneva Agreement, should continue to function in Laos until this Agreement had been fully implemented.

17. The Joint Commission ceased to function on 15th February, 1955.



SECRET

SECRET

CHAPTER II

NEGOTIATIONS : POLITICAL & MILITARY

A : Political Negotiations

18. The Commission noted with satisfaction that following its own recommendation of 3rd December, 1954 (reproduced in full in the First Interim Report, 94—96 pp.), the Royal Laotian Government expressed a desire to enter into political talks with the representatives of the 'Pathet Lao'. The two Parties agreed, at the very beginning of the period under review, that a Consultative Political Conference be immediately convened in order to "consolidate peace and realise the unification of the Fatherland". It was further suggested by the 'Pathet Lao' that the two Delegations might examine the question of the cessation of all acts of hostilities, and draw up a common declaration for publication throughout Laos.

19. This Joint Declaration, signed at the Consultative Political Conference at Plaine-des-Jarres on 18th January, 1955 stated:

"The two Parties gave proof of mutual sincerity and recognised the necessity to collaborate in order to implement together the Geneva Agreement, consolidate peace, grant democratic freedoms to the people, realise the unity of the country and complete the independence of the Fatherland. The two Parties have agreed that they will endeavour to settle by negotiations all questions concerning the independence of the country in order to obtain good results."

20. The 'Pathet Lao' wished to treat the Consultative Political Conference as a preliminary meeting which might lead to the creation of a Joint Political Council for the settlement of basic political problems and the holding of "free general elections by secret ballot, in accordance with the spirit and the letter of the Final Declaration made at the Geneva Conference".

21. After protracted deliberations, the two Parties agreed to issue on 9th March, 1955 a joint statement the full text of which is given as Appendix 'A'.

22. The two Delegations further agreed that the Consultative Political Conference should henceforward meet at Vientiane where the 'Pathet Lao' was to maintain a separate Delegation.

23. The Commission took note of these political declarations but pointed out on 29th March that it had not received "any official communication as to these negotiations, the problems discussed and settled, progress made, and the difficulties the two Parties are encountering in respect of a political settlement". In the absence of this information, it was unable to evaluate the political situation and offer such advice and suggestions as might, in its opinion, help

SECRET

6

the Parties to come to a settlement. The Commission, therefore, requested that it be kept regularly informed of the progress of the work of the Conference.

24. In reply, the Royal Government stated in a letter dated 8th April, 1955 that political talks were being impeded because the 'Pathet Lao' "consider themselves still under the authority of the Vietminh High Command, and as having conquered the provinces of Phong Saly and Sam Neua". The Royal Government, therefore, suggested that:

- (a) Royal Administration be re-established effectively in the provinces of Phong Saly and Sam Neua in conformity with the Geneva Declaration;
- (b) The units of the 'Pathet Lao' in these provinces be collected in fixed assembly areas connected by a corridor as indicated in Article 13 of the Geneva Agreement;
- (c) Pending general elections marking their integration into the national community, these units could be represented in the Royal Administration of the two provinces.

25. The Royal Government further demanded that the Commission should, in consultation with both the Parties, organise general control of these units.

26. The 'Pathet Lao' reply was received on 22nd April, 1955. It accused the Royal Government of co-operating with the United States of America and repeated an earlier request that a Joint Political Council, consisting of three delegates from each of the two Parties, be set up immediately to solve all outstanding political problems. The task of this Council would be:

- (a) To settle amicably all disputes and to enforce a strict implementation of the Joint Declaration of 9th March, 1955, particularly in regard to the provinces of Sam Neua and Phong Saly;
- (b) To define and guarantee democratic freedoms;
- (c) To prepare for free general elections, with such changes in the electoral laws, as would guarantee universal suffrage and provide for control of all abuses at the time of the elections;
- (d) To form a national coalition government with the 'Pathet Lao';
- (e) To settle the problem of integration of the two provinces.

27. The 'Pathet Lao' suggested the following broad procedure for the Joint Political Council:

- (a) The Council should have no President and should avoid decision by voting on any issue;
- (b) If the Parties failed to reach agreement they should refer to their headquarters for advice and guidance;

SECRET

SECRET

7

- (e) Important agreements dealing with questions of principle should be signed by the Prime Minister of the Royal Government and the Head of the Forces of 'Pathet Lao'. Less important agreements should be signed by the Heads of the two Delegations but would become effective only after approval by their principals;
- (d) The seat of the Joint Political Council should be in Vientiane.

28. These rival proposals were not accepted by the Parties. Nonetheless, they met in a political conference at Plaine-des-Jarres on 19th April, 1955. However, six days later, the Royal Laotian Government withdrew from it claiming that no basis for agreement existed.

29. The Royal Laotian Government suggested examining at these meetings "those problems considered the most urgent". They proposed that the separation of the armed elements of both Parties in the provinces of Sam Neua and Phong Saly should be considered so that the Joint Declaration of 9th March, 1955 (Appendix 'A') could be implemented and the establishment of the Royal Administration in the two northern provinces made easier.

30. The Royal Government also suggested the creation of a Joint Political Commission placed under the supreme authority of the Royal Government with the primary task of settling the civil and military problems of the two provinces. This proposal, the Royal Government added, "makes a great concession by admitting the principle of immediate incorporation of the 'Pathet Lao' into the Royal Administration of the two provinces, whereas the Geneva Agreement only provides a representation of the Fighting Units of 'Pathet Lao' on the Royal Administration". The Royal Government were opposed to the creation of a Joint Political Commission endowed with authority over the Government. The Geneva Agreement, did not in their opinion, envisage the settlement of the problem by "a merger of two authorities both having a governmental competence but an integration into a National Community which already has its institutions and its government".

31. On 3rd May, 1955, the Canadian Delegation introduced a Draft Interpretative Resolution aimed at guiding the Parties in their negotiations for the political settlement (see Appendix 'B'). This raised a discussion as to whether the Commission had the right to make recommendations in this field. It was agreed that the Commission may offer interpretations to the Parties by analogy with Article 33 of the Geneva Agreement, provided the subject matter was included in the Agreement itself. In the opinion of the Polish Delegation, however, neither the question of the establishment of Royal Administration in the provinces of Phong Saly and Sam Neua nor that of political settlement came within the scope of competence of the Commission, and any interference by the Commission in these matters would mean enlarging its powers and

SECRET

SECRET

8

functions beyond the limits of the Geneva Agreement. The Commission's activities could only be maintained in the form of good offices with the approval of both Parties. On 21st May, the Canadian Delegation agreed to postpone discussion on its Draft Resolution on the understanding that it would, instead, raise the question of the establishment of Royal Administration in the two northern provinces as such.

32. On 4th June, 1955 the Commission drew the attention of both Parties to its recommendation of 3rd December, 1954 and observed that inordinate delay and lack of progress in bringing about a political settlement were causing concern. The Commission had welcomed the Joint Declaration of 9th March by which both Parties had agreed not to resort to force or take any aggressive action in the two northern provinces. However, no amelioration had resulted and the frequency and seriousness of incidents had increased. In the circumstances, the Commission urged both Parties to reopen and continue their negotiations for an early political settlement.

33. The Commission added that it would always be ready to offer its good offices, at the request of the Parties.

34. The Royal Laotian Government had originally decided, in accordance with the usual procedure to hold the general elections on 28th August, 1955. However, on 6th June, 1955 the 'Pathet Lao' sent a letter to the Royal Laotian Government asking that they "stop immediately the illegal elections, stop immediately the despatch of forces to attack the two provinces, and resume immediately the political conference so that the two Parties can discuss and take all necessary action to organise general elections throughout the territory of Laos, can ensure for all Laotian citizens freedom of voting, of being elected and freedom to carry out electoral campaigns, in conformity with the spirit and the letter of the Geneva Agreement and the Joint Declaration of the nine participating powers".

35. On the other hand, on 7th June, 1955 the Royal Government informed the Commission that the general elections were approaching and that as long as Royal Administration was not re-established in the provinces of Phong Saly and Sam Neua, it would not be possible to organise elections in those areas in accordance with the electoral law. However, the National Assembly in a joint session on 10th June decided to postpone the date of election to 25th December, 1955.

36. On 15th June, 1955 the Commission wrote a letter to the Royal Government the text of which is reproduced in paragraph 70.

37. The position of the 'Pathet Lao' in this regard was re-stated in a communication dated 30th June, 1955 to the Royal Government:—

"As to the question relating to the two provinces, from the beginning of the talks to this day, in the conferences

SECRET

SECRET

9

as well as in the letters addressed to the Royal Government and also to the International Commission, the Political Delegation of the 'Pathet Lao' Forces has never refused to examine this question, but reciprocally, it has suggested to the Political Delegation of the Royal Government to examine the proposal of the 'Pathet Lao' Forces. This is the only regular procedure which is in conformity with the principles of justice and equality.

"Of all the questions put forward at the Conference, the Political Delegation of the 'Pathet Lao' Forces feels that the one concerning free general elections with a view to bringing together all the Laotian citizens into the national body is a matter which must be studied in all priority. For it constitutes a fundamental political settlement which embraces within itself many other questions, and if this problem could be settled, it would enable the settlement of all the others."

B: Military Negotiations

38. Article 12 of the Geneva Agreement provided that there should be twelve Provincial Assembly Areas, one to each province, for the reception of the Fighting Units of 'Pathet Lao'. However, in the Agreement signed at Khang Khay by the two Parties in the Joint Commission on 29th-30th August, 1954, no mention was made concerning the Provisional Assembly Areas for the Fighting Units of 'Pathet Lao' in the provinces of Phong Salu and Sam Neua [Reference paragraph 51(a) of the First Interim Report].

39. This fact, together with the 'Pathet Lao' interpretation of Article 14 that the 'Pathet Lao' had been given the two provinces in their entirety, went to support their claim that the Royal Government had no right to these provinces, that the Royal Government troops were interlopers and should withdraw. They asserted, in other words, that these two provinces belonged to them administratively and militarily and that this was agreed to as a compensation for their agreement to withdraw from all the other ten provinces.

40. On the other hand, the Royal Government claimed that the true significance of Article 14 was that the 'Pathet Lao' were to restrict themselves in the regroupment zones in the two provinces with a connecting corridor, and that this did not mean that the Royal Government had forfeited their right of free movement in these two provinces. In this interpretation the Royal Government claimed that the only significance of Article 14 was that the 'Pathet Lao' were given limited rights in the two provinces and in the corridor and had no right of movement in the other provinces. At the same time, the Royal Government, being a sovereign authority, had unrestricted right to move forces anywhere in the territory of Laos.

SECRET

SECRET

10

41. With such a situation, it was inevitable that opposing forces frequently found themselves against each other and clashes took place. It is true that Article 19 had prescribed that each force should respect the territory under the military control of the other, but since no demarcation had taken place, it was impossible to decide which territory belonged to whom. There was also the additional difficulty of defining the words "territories under the military control".

42. The Commission had decided by majority vote that some Royal troops existed in the two northern provinces before and at the time of the Cease Fire of 6th August, 1954, although it was not possible to find out either their precise strength or position. The fact is that before the Cease-Fire, the military situation in these two areas was extremely fluid and that neither of the High Commands knew precisely where their men were, and if they did know, they were not prepared to disclose the details. After the Commission's pronouncement that the Royal forces did, in fact, exist in the northern provinces prior to 6th August, 1954, it was claimed by the 'Pathet Lao' that they had no right to be there and that they should, therefore, withdraw. The Commission decided that in the face of these two conflicting interpretations of the Geneva Agreement, there was no possibility of either the Commission agreeing on a common interpretation or both the Parties accepting it. Yet the incidents and clashes continued and it was obvious that if they were to be prevented, some solution, without affecting the legal claims and liabilities of the Parties, had to be found. Various solutions were examined by the Commission, but it became increasingly evident that, without both sides agreeing to such a solution, no effective work could be done or the declaration by the Parties made on 9th March, 1955, implemented.

43. Accordingly, the Commission called upon both the Parties to send their military delegations to Vientiane and open talks with a view to arriving at a solution which would ensure that military incidents did not take place. After considerable delay and hesitation, the delegations met in Vientiane on 27th June and the talks were opened. The Military Committee of the Commission had been charged with the working out of different solutions for the consideration of the Parties and they were asked by the Commission to assist the Parties informally at each stage and keep the Commission informed of developments. These talks are still continuing, and although some progress has been made, the eventual solution is not yet in sight.

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CHAPTER III

PHONG SALY AND SAM NEUA

44. The insufficient clarity of Article 14 of the Geneva Agreement has continued to be the main source of difficulty for the Commission as well as for the Parties, with regard to the provinces of Phong Saly and Sam Neua.

45. While it may be assumed that the 'Pathet Lao' have actual military control over most of the area, they claim both administrative and military control over the totality of the two provinces. The Royal Laotian Government assert that their sovereign authority implies the right to the effective administration of these provinces; and that, as regards the military aspect, the Fighting Units of 'Pathet Lao' should have been limited to the regroupment zones envisaged in Article 12, together with the right of circulation in the corridor described in Article 14.

46. Broadly speaking, the 'Pathet Lao' and the Royal Laotian Government interpretations of Article 14 were shared by the Polish and the Canadian Delegations respectively. The Polish Delegation felt, moreover, that since unanimity on this issue was not possible it would be best for the Commission not to discuss it. The Indian Delegation took the view that unless the decision of the Commission on this important subject was acceptable to both the Parties, no purpose would be served by a legal interpretation by the Commission. The Indian Delegation did not, however, rule out the possibility of discussing it at a suitable opportunity. In the circumstances the Commission has not yet given its own interpretation of Article 14.

47. It will, however, be remembered that the Commission, with a view to implementing Article 19, decided in October, 1954 to investigate the strength and position of the Laotian National Army units in Phong Saly and Sam Neua at the time of the Cease-Fire. This was necessary in view of the Vietnamese People's Volunteers/'Pathet Lao' Delegation's contention that all Franco-Laotian forces had been expelled from there in March 1953 and that those now present had been paradropped after 6th August, 1954. While these investigations went on, the Commission in January, 1955 directed a Sub-Committee of its Military Committee to examine documents, maps, nominal rolls, load manifests and personal diaries submitted by the Franco-Laotian Delegation in support of their above claim.

48. In the opinion of the Indian and the Canadian members of the Sub-Committee, "the documents produced are valid and substantiate the statement of the French Liaison Mission as reiterated in their brief, that Commando units were operating in the province of Sam Neua from 21st July to 6th August, 1954 inclusive, and that such Commandos and their affiliated 'auto defence' troops occupied posts in the area indicated by the map attached as Appendix 'B' to their report. It is not within the power of the two Delegates to indicate that such Commandos were in possession or control of any definite area or place."

SECRET

12

49. The Polish member of the Sub-Committee was of the opinion that the Franco-Laotian claims could not be confirmed since the documents examined and submitted by the French Liaison Mission did not seem to be the original ones. He, felt, however, that they might be taken into consideration after checking the actual facts on the spot by Commission Teams.

50. This divergence of opinion regarding the authenticity of the documents became more manifest at the 63rd Meeting of the Commission held on 2nd February, 1955. At this meeting the Canadian Delegation suggested that the general enquiry into the present strength, etc., of the Laotian National Army troops in the northern provinces should be discontinued. In its opinion there was conclusive documentary evidence about the presence of these elements in Sam Neua prior to the Cease-Fire. It further proposed that the French Liaison Mission should be invited to submit similar documentary proof concerning the presence of the Laotian National Army elements in the province of Phong Saly "if the particular documents are available."

51. The Canadian Delegation submitted a resolution in the above sense for the approval of the Commission.

52. The Polish Delegation repeated its earlier view that no conclusion about the presence of the Laotian National Army troops either in Phong Saly or in Sam Neua was possible on the basis of available evidence. It stated that investigations on the ground should be undertaken in both the provinces to determine the facts.

53. An incident at Nong Khang in the province of Sam Neua indicated the importance of a decision on this point. The Indian and Canadian Delegations considered that the incident was the result of a violation of Article 19 by the 'Pathet Lao' and invoked Article 32 in support of a resolution. (Appendix 'C').

54. The Polish Delegation, on the other hand, declared that the presence of the Franco-Laotian troops in Sam Neua and Phong Saly was a violation of Article 14 which, in its opinion, had given the two provinces in their totality to the 'Pathet Lao' as a regroupment area, and that the voting on the resolution was invalid as it tended to amend the Geneva Agreement and therefore required unanimity.

55. This was one of the occasions when the Canadian Delegation contended that the situation in the two northern provinces could not be resolved until the Commission took a decision on the interpretation of Articles 14 and 19. In its opinion it would be difficult for the two Parties to reach agreement on either the political or the military settlement unless they knew the Commission's views on the legality of the opposing claims.

56. The implications of Articles 14 and 19 were further discussed at several meetings of the Commission. The Polish Delegation

SECRET

SECRET

13

expressed its inability to agree to the Canadian resolution referred to in Paragraph 51 above, on the ground that the Franco-Laotian groups which operated in the two provinces were for "spying, scouting and diversional activities" and could not be given the status of troops. It also insisted that the presence of regular troops before 6th August, 1954 could not be proved from documents.

57. On 7th April, the Canadian Delegation submitted a second resolution declaring that the "map, documents and reports taken as a whole, establish that Royal Government forces did operate in areas of the provinces of Phong Saly and Sam Neua before and up to 6th August, 1954 and that the territory which they militarily controlled on that date should, therefore, be respected by the other Party under Article 19 of the Geneva Agreement."

58. At this stage, the Indian Delegation pointed out that the question of the right of the Laotian National Army troops to remain in the northern provinces depended on the interpretation of Article 14 and should be kept separate from the immediate aim of removing chances of conflict between the two forces actually in position in the two provinces. It, therefore, proposed a demarcation of the area under the military control of the troops of both Parties with the proviso that their positions would not be strengthened.

59. Referring to the Indian proposals for removing the chances of an immediate conflict, the Polish Delegation stated that "the proposal concerning the demarcation of the position of the Laotian National Army troops in the two northern provinces is incorrect and restricts the rights of one of the Parties, rights which are guaranteed by the Geneva Agreement." The Polish Delegation was, therefore, of the opinion that under these conditions the most appropriate course would be to repeat to both the Parties the recommendation of 3rd December, 1954, (see First Interim Report pp. 94--96) and stress especially the necessity for a full implementation of the common declaration of the Parties dated 9th March (*vide* Appendix 'A').

60. The Polish Delegation was emphatic that no attempt should be made either to give legal recognition to the presence of Laotian National Army troops or to divide the provinces between the opposing forces. In its view a settlement of this problem should be left to the Parties. Any attempt to define zones of occupation by different forces in these provinces would be contrary to Article 19 which in the original French version referred to mutual respect of territory 'placed' under military control of Parties. The Laotian National Army had, therefore, no legal right to be in the two provinces which had been 'placed' under the 'Pathet Lao' under Article 14. The Polish Delegation was, however, willing to accept a purely provisional determination of the positions occupied by the Laotian National Army troops and to create around each of these positions an appropriate no-man's-land.

61. In view of the dangerous situation existing in these two provinces, the Commission made the following recommendation on

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SECRET

14

20th April, 1955: —

“The International Commission has noted that the Parties are interpreting Article 14 in a contradictory way. The International Commission has received certain complaints from both sides regarding violation of Articles 19 and 14 based on such contradictory interpretations. The International Commission is looking into such complaints but in the meantime, without prejudging the rights of the Parties under Article 14 of the Geneva Agreement which will be considered by the International Commission at a later stage, the International Commission calls upon both Parties to send their representatives immediately to meet the Military Committee of the International Commission who, after taking into consideration the information and views given by both Parties and in consultation with them, would inform the International Commission regarding the posts of the Royal Laotian Government located in the two northern provinces bearing in mind the nature of military control, size of the post and consideration of local supply and maintenance. Supply and maintenance of Royal Laotian Government troops from outside will be done under the supervision of the International Commission. The International Commission will consider the proposal of the Military Committee in due course and thereafter make recommendation to both the Parties designating the area in which the troops of the Royal Laotian Government are located in the provinces of Phong Saly and Sam Neua and outside which areas the Fighting Units of ‘Pathet Lao’ are at present, free to move about. Under Article 19, the Royal Laotian Government troops, therefore, should not extend their areas nor the Fighting Units of ‘Pathet Lao’ should infringe into the area thus demarcated to the Royal Laotian Government troops.

“The Military Committee, while making its recommendation in this regard, will indicate a zone of about 2 kilometres, depending on the local conditions, around the boundary of the Royal Laotian Government areas from which the armed forces of either side will be excluded in order to prevent any likelihood of violation of Article 19 of the Geneva Agreement.

“The International Commission recommends further that the Royal Laotian Government troops will not, with effect from the date of this recommendation, increase the strength of these posts; similarly, the Fighting Units of ‘Pathet Lao’ will not add to their present strengths in the provinces of Phong Saly and Sam Neua.”

62. The Indian and the Canadian Delegations voted in favour of the resolution. The Polish Delegation declared that the voting was

SECRET

SECRET

15

invalid under Article 34, paragraph 2, since the resolution, in its opinion, meant an amendment of Article 14 and therefore could only be adopted unanimously.

63. In their reply on 23rd April, the Royal Laotian Government took the view that the resolution authorised the violation of Article 19 by the Vietnamese People's Volunteers/'Pathet Lao' forces and was contrary to the provisions of Articles 12 and 14 of the Agreement and that its implementation would render impossible the re-establishment of the Royal Administration in the provinces of Phong Saly and Sam Neua. However, as requested by the Commission, the Royal Government nominated two persons to be in touch with the Military Committee of the Commission.

64. In reply, the Commission pointed out that the resolution was "passed under Article 19 of the Geneva Agreement for the practical purpose of preventing further incidents between Laotian National Army forces on the one hand and Fighting Units of 'Pathet Lao' on the other." The Commission emphasized that "the recommendation of 20th April is without prejudice to the rights of the Parties under Article 14, which still remains to be interpreted." In a subsequent letter the Royal Government indicated that their criticism should not be treated as a rejection of the recommendation.

65. The 'Pathet Lao' rejected it stating that "Articles 14 and 19 of the Geneva Agreement can only be understood and interpreted in this way, i.e. that the Royal Party must respect the two provinces of regroupment of the 'Pathet Lao' forces, just as the 'Pathet Lao' forces have always respected, from the date of Cease-Fire until now, the ten provinces under the control of Royal Party and did not cause in these ten provinces any regrettable incident."

66. Meanwhile, the discussion regarding the presence of Laotian National Army in the two provinces was continued and an amended version of the Canadian resolution mentioned in paragraph 57 above was adopted with the support of the Indian and Canadian Delegations and against Polish opposition. It declared that "the documents and reports submitted by the French Liaison Mission taken as a whole, establish that Royal Government forces did operate in areas of the provinces of Phong Saly and Sam Neua before and up to 6th August, 1954."

67. On 24th May, the Canadian Delegation submitted a resolution on the question of re-establishment of Royal Administration in the two northern provinces. (see Appendix 'D').

68. The Polish Delegation stated that while it was not opposed to the re-establishment of Royal Administration in principle, it was of the opinion that the Parties themselves should decide the issue without any direct intervention of the Commission. The Delegation felt that the resolution might encourage the Royal Government to bring the two provinces under their administration by force.

69. The Indian Delegation was prepared to treat the resolution as a basis for discussion. But, in view of the military control which

SECRET

SECRET

16

the 'Pathet Lao' exercised over the two northern provinces, it did not consider that an immediate re-establishment of Royal Administration, as recommended by the Canadian Delegation, was practicable.

70. On 14th June the Canadian Delegation supported the text of the following letter addressed to the Royal Government and agreed to postpone consideration of its resolution:—

"The Geneva Agreement in Laos does not make any specific mention of the establishment of the Royal Administration in any part of Laos, but the right of the Royal Government to the actual administration of the two provinces may be deduced from the recognition by the Geneva Powers of the unity of Laos and the sovereignty of the Royal Government over the entire country. This has never been disputed and has been recognized in principle by the Fighting Units of 'Pathet Lao' in their Declaration of 4th November, 1954.

"The Commission realize, however, that in view of the conditions prevailing in the provinces of Phong Saly and Sam Neua it would be difficult to establish the Royal Administration in these provinces effectively without the political settlement envisaged in Article 14 of the Agreement. It is presumed that whatever arrangement may be arrived at between the Parties will conform to the basic pattern of the Geneva Agreement.

"The Commission, therefore, reiterates its hope that the talks between the Parties will be resumed without delay and that all efforts will be made to pursue them until the political settlement is reached."

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CHAPTER IV

DEMOCRATIC FREEDOMS

71. The Commission at its meeting of 17th November, 1954, recommended that the two Parties should give wide publicity to Articles 15, 17 and 25 of the Geneva Agreement together with the relevant part of the Royal Government Declaration at Geneva regarding Democratic Freedoms.

72. On 4th February, 1955, at a meeting of the International Commission with the Joint Commission, the Franco-Laotian Delegation stated that thousands of leaflets in Laotian had been distributed and that adequate publicity had also been given through the "*Lao Presse*" and other media of information including radio.

73. The Vietnamese People's Volunteers/'Pathet Lao' Delegation said that they had taken no action to implement the Commission's recommendation as no agreed translation had been arrived at. They also said that the responsibility for this work should rest with each Party within the regions under its control.

74. The Commission pointed out that it had not asked for an agreed translation and that it was implied that each Party should take action in the area under its effective control. The Vietnamese People's Volunteers/'Pathet Lao' Delegation then agreed to take suitable action.

75. During the last six months the Commission received a number of complaints, mostly from 'Pathet Lao' authorities (*vide* 'B' of Appendix 'E') alleging violation of Article 15. The charges ranged from allegations of arrest and assassination of ex-members of the resistance movement to firing by Government troops on gatherings of civilians resulting in deaths and injuries. Complaints were also received that meetings of more than three persons had been banned and freedom of speech restricted.

76. In all twentyfour complaints were received from the 'Pathet Lao' side and eight from the Royal Laotian Government.

77. The Commission asked its Teams to investigate three complaints from the 'Pathet Lao' side and at the same time requested the Royal Laotian Government for reports on most of the other 'Pathet Lao' complaints. The Royal Government denied any breach of Article 15 and stated that in some instances arrests were made in accordance with the existing laws. The Royal Government maintained that the demonstrations against which they took action had all been inspired by foreign "agents"; as an example they cited a woman, reported by the 'Pathet Lao' to have been killed in a demonstration, as a "Vietnamese agent".

78. All the Royal Laotian Government complaints were referred to the 'Pathet Lao' authorities for investigation.

SECRET

18

79. A large number of replies from both the Parties are still to be received.

80. The Royal Government have given their opinion that the High Command of the 'Pathet Lao' is not authorised to collect complaints on violation of Article 15 in any area under their direct administration. The Commission has noted this view of the Royal Government and is considering what further action should be taken in this field.



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SECRET

CHAPTER V

COMPLAINTS AND INVESTIGATIONS

81. The majority of the investigations ordered by the Commission during the period under review were carried out by the Fixed and Mobile Teams in Phong Saly, Sam Neua and Xieng Khouang (see Appendices 'E' & 'F').

Sam Neua

82. The Fixed Team, Sam Neua, conducted the following investigations:

- (i) *Presence of 10 Vietnamese People's Volunteers Officers in Sam Neua.*—The Franco-Laotian Delegation complained that 10 Vietnamese People's Volunteers Officers were stationed in Sam Neua even after the withdrawal of foreign forces and that two among them were holding official posts in the province.

The result of the investigation neither proved nor disproved the allegation.

- (ii) *Ban Saleui.*—The Franco-Laotian Delegation complained that the Royal Laotian National Guards stationed at Ban Saleui were overwhelmed and taken prisoners by the 'Pathet Lao'.

The Team found evidence that the troops of both sides were moving in the area, but it was not clear who entered first the village of Ban Saleui. The Team also found that the 'Pathet Lao' had encircled the village and taken some prisoners without any bloodshed. The Commission concluded that there were frequent movements of troops of both Parties in the area and took note of the findings and also of the recommendation of the Political Committee that in order to stop incidents, Articles 12 and 14 should be clarified.

- (iii) *Houei Thao.*—Due to the close proximity of the forces of both Parties at Houei Thao, the Commission received numerous complaints of incidents around the post.

Several of these were investigated into by the Teams which came to the conclusion that there had been some movement of 'Pathet Lao' forces in the area and that incidents were likely to continue unless separation of the opposing forces could be achieved.

The Commission recommended to both the Parties that they adhere to the Cease Fire Agreement.

- (iv) *Xieng Kho.*—The 'Pathet Lao' complained that their post was attacked and plundered by the *Laotian National*

SECRET

20

Army. While the Team agreed that there was evidence of an attack by an armed group, in the opinion of the Canadian and Indian members, there was not sufficient evidence to prove that the attackers were members of the Laotian National Army. The Polish member was, however, of the opinion that there was sufficient evidence to identify the armed group as a military unit of the Franco-Laotian Party. Because of the long period of time between the date of the incident and the investigation and because of the uncertainty of the evidence, no action was taken by the Commission on the report of this investigation.

- (v) *Muong Peun*.—The Royal Laotian Government complained in May that the 'Pathet Lao' encircled Muong Peun and that an attack was imminent. The Indian and Canadian members of the Team were of the opinion that the 'Pathet Lao' established new posts and occupied new villages whenever possible around the Laotian National Army post at Muong Peun resulting in an encirclement of the post. The Polish member's opinion was that the 'Pathet Lao' posts did not create complete encirclement of Muong Peun and that the nearest 'Pathet Lao' post was 3 kilometers away from the Laotian National Army post at Muong Peun and two of the tracks leading to the posts were not blocked by the 'Pathet Lao'. The Polish member also reported that Laotian National Army reinforcements arrived during the Team's stay in Muong Peun. The Commission recommended to both the Parties that they adhere strictly to the Cease-Fire Agreement.

Xieng Khouang

83. The Mobile Team at Xieng Khouang, before it was withdrawn in April, conducted the following investigation:—

- Nong Khang*.—The Franco-Laotian Party complained that the 'Pathet Lao' had encircled the post of Nong Khang forcing the Laotian National Army to withdraw. The majority findings of the investigating Team are contained in the Resolution in Appendix 'C'.

On 25th February, the Commission passed, by a majority vote, a Resolution based on the reports of the Team. The Polish Delegation refrained from voting on the Resolution as a whole and raised a point of order that under Article 34, paragraph 2, it required a unanimous vote, as, in its opinion, it attempted to amend the Agreement. The Chairman overruled this objection and held that no unanimity was necessary as the Resolution was merely designed to find a solution to a particular incident. The Resolution was accordingly declared passed by the Chairman by a majority vote under paragraph 1 of Article 34.

SECRET

SECRET

21

There followed a discussion in the Commission as to whether the difference of opinion on the point of order raised by Polish Delegation should not be referred to the Co-Chairmen of the Geneva Conference. It was finally decided there was no need to follow this course. The recommendation was formally sent to the 'Pathet Lao' and the Royal Laotian Government on 23rd and 28th April respectively.

The Polish Delegation then urged that their point of view should be conveyed by the Secretariat to the Parties simultaneously with the text of the Resolution. The Chairman ruled that no provision existed for informing the Parties of a minority opinion and refused to accept the Polish request. Thereupon the Polish Delegation declared that the Resolution was "not binding for anybody" and announced its intention—which it carried out later—to inform the Parties direct of its point of view.

The reply from the High Command of the Fighting Units of 'Pathet Lao' rejecting the recommendation was received only on 11th June. (see Appendix 'G').

84. The Fixed Team, Xieng Khouang, conducted the following investigations:

- (i) *Muong Peun*.—The Commission received complaints from both Parties concerning attacks on each other in the Muong Peun area during the months of January, February and March. Two investigations were carried out. The Team found that both sides were using encirclement and pressure tactics resulting in threats of annihilation and intimidation towards each other. On some occasions, fighting took place. The Team found that the villages in the area changed hands quite frequently—sometimes through evacuation and at other times as a result of force. In view of the numerous complaints in this area, the Commission ordered a Sub-Team to be sent to Muong Peun area where it has since remained.
- (ii) *Hua Xieng*.—The Royal Laotian Government alleged that Fighting Units of 'Pathet Lao' attacked the Laotian National Army post at Hua Xieng. While the Indian and Canadian members of the Team concluded that the 'Pathet Lao' had attacked this post, the Polish member felt that there was insufficient evidence to substantiate this allegation. The Commission is still considering the report of investigation.

Phong Saly

85. The Mobile Team, Phong Saly, conducted the following investigations:

- (i) *Lyvay*.—The Team was ordered to find out if Laotian National Army units were present in the area between

SECRET

SECRET

22

22nd July and 6th August, 1954. The Team did not find any Laotian National Army troops in the village at the time of investigation, but found evidence that the Laotian National Army forces were near Lyvay at the end of August but had left in September or October. The Commission concluded that the Laotian National Army's action in this area was a violation of Article 12 and requested the Royal Government to take suitable action under Article 17.

- (ii) *Boun Neua*.—Again, due to the proximity of the forces of both sides, the Commission received numerous complaints concerning incidents in this area. These included allegations of ambushes, taking of prisoners and clashes between troops. Findings of the investigation Team into most of these incidents appeared to be inconclusive. However, the Team did find that on one occasion, Laotian National Army troops surrounded the nearby village of Sengtham and took prisoners. Some of the reports from Boun Neua are still under consideration.
- (iii) *Malitao*.—The Team was ordered to find out if the Laotian National Army units were present in the area during the period 22nd July to 6th August, 1954. The Team found evidence that the Laotian National Army were in this area for three years except for a time when it was held by the Vietnamese People's Volunteers. The Team also concluded that the Franco-Laotian forces returned to Malitao after the Vietnamese People's Volunteers had left the area in September. The International Commission agreed that this movement by the Laotian National Army forces in September was a violation of Article 12 and asked the High Command of the Laotian National Army to take action under Article 17.
- (iv) *Outay*.—On the 'Pathet Lao' complaint that Outay had been captured by the Laotian National Army, an investigation was ordered. This has been completed, but the report has not yet been received by the Commission.

Vientiane

86. The Fixed Team, Vientiane, carried out the investigation concerning some documents reported to have been found by the Laotian National Army on the body of a North Vietnamese officer killed in December near Muong Peun. The Royal Laotian Government claimed that the presence of these documents on the body of the Democratic Republic of Vietnam officer supported their allegation that members of the Democratic Republic of Vietnam army were continuing their activities in the provinces of Phong Saly and Sam Neua. The result of the investigation is still under consideration by the Commission.

SECRET

SECRET

23

87. The Commission has ordered the Fixed Teams in Sam Neua and Phong Saly to investigate as soon as possible the following complaints:

- (i) *Sopnao* Complaint relating to illegal introduction of armament for the 'Pathet Lao' forces.
- (ii) *Ou Neua* 'Pathet Lao' complaint that the Franco-Laotian forces occupied this place on 27th January.
- (iii) *Phong Saly Sector* Royal Laotian Government complaint that regular Vietnamese People's Volunteers elements are present in this sector.
- (iv) *Malitao* 'Pathet Lao' complaint regarding the presence of Kuomintang elements in Malitao sector of Phong Saly province.
- (v) *Houei Thong* 'Pathet Lao' complaint regarding the murder of a witness who had given evidence to the Commission's Team.
- (vi) *Muong Peong* 'Pathet Lao' complaint relating to murders and plunder in this region.
- (vii) *Vang Mo* 'Pathet Lao' complaint relating to murders and armed attacks in this village.
- (viii) *Muong Poun* Royal Laotian Government complaint on the illegal introduction of armaments for the 'Pathet Lao' forces.
- (ix) *Phieng Luong* Royal Laotian Government complaint regarding the presence of the Democratic Republic of Vietnam army elements in this sector.

Difficulties encountered

88. The investigating Teams have been facing numerous difficulties: co-operation of the Parties often leaves much to be desired, interpreters have been found inadequate both in number and quality, and the difficulties of transport are both chronic and severe.

89. The lack of interpreters has proved a great handicap in conducting investigations. With the disbandment of the Joint Commission and the withdrawal of the Joint Groups, no interpreters were left with the Teams. The first request to the 'Pathet Lao' authorities for interpreters was made by the International Commission on 24th February. On 5th March, the Commission requested both the Parties to provide four interpreters for the northern provinces and a pool of interpreters at Vientiane. Although some administrative problems occasionally arose, the Commission did not experience any serious difficulties in securing Laotian National Army interpreters, but it did so in the case of 'Pathet Lao' interpreters. One 'Pathet Lao' interpreter reported for duty in Sam Neua towards the end of March. Since early May, this interpreter has been with the Sub-Team in Muong Peun and no other interpreter has been made available for the province of Sam Neua. This has meant that

SECRET

SECRET

24

all investigations in this province except those near Muong Peun, have been held up for want of interpreters. Even in Muong Peun the investigations could not be carried out principally for want of other facilities from the 'Pathet Lao' local authorities, although a 'Pathet Lao' interpreter was available. The fixed Team in Phong Saly faced similar problems and was inactive until early May, when a 'Pathet Lao' interpreter reported for duty. Numerous letters from the Commission have been sent to the 'Pathet Lao' authorities asking them to discharge adequately their obligations under Article 26. The 'Pathet Lao' informed the Commission early in June that it was difficult for them to find sufficient French speaking Laotians to act as interpreters. On 22nd June, the Commission sent a further letter to the 'Pathet Lao' requesting them to make all possible efforts to find the required number of interpreters, and let the Commission know definitely within ten days, whether these interpreters would be available or not.

90. Lack of air transport has also been a serious source of difficulty. The position regarding helicopters and light aircraft has lately deteriorated and the Commission is considering measures to remedy it.

91. Failure of the Parties to provide always the necessary facilities to the Commission's Teams has been another important reason for delay. The Commission has twice protested to the 'Pathet Lao' authorities against restrictions on movement of its personnel in the provinces of Phong Saly and Sam Neua. This and other failures of the Parties to provide adequate assistance and facilities to the Teams have prompted the Commission to remind them on several occasions of their responsibilities in this field.

Summary of complaints received and investigations ordered

92. The tables in Appendices 'E' and 'F' are summaries of complaints received by the Commission and of investigations ordered during the first half of 1955. Most of these investigations concerned incidents of a military nature in the two northern provinces.

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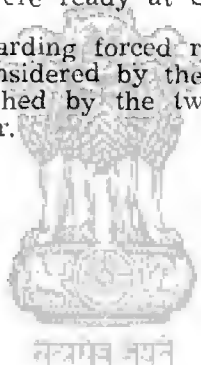
CHAPTER VI

FORCED RECRUITMENT

93. On 26th January, 1955, the Commission received from the Royal Laotian Government two letters containing nominal rolls of men alleged to have been forcibly recruited by the Fighting Units of 'Pathet Lao' after the Cease-Fire. The letters also contained allegations of such recruitment of Laotians by the army of the Democratic Republic of Vietnam from the disputed area of Ban Ken Dou on the Laos-Vietnam border.

94. On 30th March, 1955, the Commission instructed its Teams at Luang Prabang, Savannakhet and Pakse to interrogate a number of Fighting Units of 'Pathet Lao' deserters who, according to the Royal Government, had been recruited by force. No witnesses were produced at Luang Prabang and Savannakhet, but the Royal Government informed the Commission that two witnesses were available for interrogation at Vientiane. However, no interrogation was possible at Vientiane for want of a competent 'Pathet Lao' interpreter. On 29th June, the Fixed Team at Pakse reported that some alleged forced recruits were ready at Saravane for interrogation.

95. The allegation regarding forced recruitment in the area of Ban Ken Dou can be considered by the Commission only after a settlement has been reached by the two Governments concerned about the disputed border.



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CHAPTER VII

COMPENSATION AND PAYMENTS

96. The Vietnamese People's Volunteers and 'Pathet Lao' forces had made purchases and obtained loans from the local population while they were stationed in Lower and Middle Laos. The agreement of the Vietnamese People's Volunteers/'Pathet Laos' Delegation to make necessary payments was embodied in a convention describing the method of realisation; this was signed on 17th October, 1954 by the Vietnamese People's Volunteers/'Pathet Lao' and Franco-Laotian representatives in the Joint Sub-Commissions at Paksong and Mahaxay (Lower Laos and Middle Laos). A claim of about six million piastres was still to be satisfied when the Vietnamese People's Volunteers/'Pathet Lao' forces completed withdrawal on the agreed date of 19th November, 1954. The convention was, however, repudiated by the Franco-Laotian Delegation at the Joint Commission at Khang Khay.

97. The Franco-Laotian Delegation argued that the convention signed by the Joint Sub-Commissions at Mahaxay and Paksong was not valid since the Khang Khay Agreement of 29th August, 1954 specifically prohibited the Joint Sub-Commissions from entering into signed accords. They were of the opinion that the payments should have been effected before the Vietnamese People's Volunteers/'Pathet Lao' forces finally withdrew. Since that was not done, the Franco-Laotian Delegation felt that the matter now came within the sole competence of the Royal Government, which refused however to re-admit Vietnamese People's Volunteers/'Pathet Lao' representatives and officials to these areas for the purpose of arranging payment. They proposed, therefore, that the Vietnamese People's Volunteers/'Pathet Lao' Delegation should hand over all documents to the Royal Laotian Government and that the latter would then make payment in the presence of representatives of the Commission.

98. The Vietnamese People's Volunteers/'Pathet Lao' Delegation contended that since these payments were a consequence of the process of withdrawal of their forces from these areas, they, as one of the signatories of the Geneva Agreement, had every right to be present through their representatives and officials when the claims against them were being settled. They insisted, therefore, that these payments be arranged direct by their officers. They subsequently suggested that, if necessary, the payments could be made by the Royal Laotian Government in the presence of the Vietnamese People's Volunteers/'Pathet Lao' officers in the Joint Groups and Joint Sub-Commissions.

99. This question was discussed during the last series of meetings between the International Commission and the Joint Commission. As a result, an agreement was signed between the two Parties on 12th February, 1955 by which the funds would be made available by the Vietnamese People's Volunteers/'Pathet Lao' Party to the Royal

SECRET

27

Laotian Government and the payments would be made by the latter under the supervision of the Commission and in the presence of the representatives of the 'Pathet Lao'. The Vietnamese People's Volunteers/'Pathet Lao' Delegation agreed to hand over all the relevant documents before 20th February, 1955.

100. However, for several weeks no attempt was made by the Parties to implement the Agreement, and on 25th March, 1955 the Commission asked the Royal Laotian Government if they had received the necessary documents and if any action had been taken to arrange payments. The Royal Laotian Government have not yet sent a reply and meanwhile the Commission has not received any complaints from any quarters.



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CHAPTER VIII

PROHIBITION OF INTRODUCTION OF FRESH TROOPS, MILITARY PERSONNEL, ARMAMENTS, MUNITION AND PRESENCE OF UNAUTHORISED FOREIGN TROOPS

101. Efforts by the Commission to implement the provisions of Chapter II of the Geneva Agreement concerning the introduction of Fresh military personnel and war material have been continued in 1955.

102. In January the Commission drew up a set of draft instructions for the guidance of its Teams and sent copies to the French Liaison Mission and the Royal Laotian Government (Appendix 'H'). The draft instructions were divided into two parts: first, dealing with the supervision of 1,500 officers and men of the French Military Mission (Article 6) and of 3,500 officers and men of the French Military establishments (Article 8); and second, dealing with the supervision and control of introduction of war material.

103. On the basis of discussions with the French and Laotian National Army High Command the Commission drew up the following interpretation of the terms of the Geneva Agreement relating to the French Military establishments:—

- (a) All units forming part of the base at Seno would maintain with them the normal war equipment as authorised for each unit.
- (b) On rotation the unit going out would take its own authorised war equipment.
- (c) When a unit leaves the establishment without personal arms or unit war equipment, the incoming relief unit would likewise come without personal arms and unit war equipment.
- (d) Replacements, piece by piece, of unserviceable war material sent out of the establishment would be in order.

These were transmitted to the Royal Government and the French Liaison Mission on 20th January, 1955.

104. In a communication dated 15th February, the French Liaison Mission accepted the above proposals, but suggested the incorporation of the additional four points:—

- (a) Having been authorised by the Geneva Agreement to maintain in Laos a strength of 3,500 men in its military establishment, France reserved the right to reach this figure at any time. The reinforcements sent to reach this figure should not therefore be considered as the introduction of fresh troops, forbidden by the first paragraph of Article 6, but as the relief for units previously withdrawn from Laos.

SECRET

29

- (b) The units entering into Laos under the category above should bring all the equipment organic to the unit, particularly their armament. This should apply, amongst others, to the operational detachments of the Air Force who should arrive with their aircraft, to relieve those withdrawn since the Cease Fire.
- (c) Relief of individuals should not involve any entry or exit of war materials.
- (d) Expendable stores, and particularly ammunition, should not be subject to control at entries and exits at the time of relief of complete units. The depots should be maintained permanently and replenished according to expenditure (practice firing) or to wastage (downgrading, destruction).

105. In a further communication dated 11th March, the French Liaison Mission approved of the draft instructions in general, but could not agree to an individual check of the personnel either of the French Military establishments or that of the French Military Mission with the Laotian National Army. It pointed out that it could give to the Commission only a simple periodical statement of strength but no breakdown into different categories. The French Liaison Mission agreed to the Commission exercising a check on the total strength of the French Military establishments but not those of the Laotian National Army. In the statement submitted by the French Liaison Mission only the total strength of forces at Seno Base has been shown without distinguishing between Air and Land forces.

106. The Royal Government expressed on 16th March, 1955 its complete agreement with the modifications proposed by the French Liaison Mission. It wished, however, to know what measures the Commission proposed to take to ensure against the entry of arms and foreign personnel into the two Northern Provinces.

107. On 26th April the Commission drew up a revised set of instructions for the guidance of its Teams in the supervision and control of the French Military Mission and the introduction of war materials for the Laotian National Army (Appendix 'I'). The instructions relating to the French Military Mission were later amended in the light of views expressed by the French Liaison Mission (Appendix 'J').

108. The present position is as follows:—

- (a) Instructions, as proposed by the Commission, for the control and supervision of the introduction of arms have been accepted (Appendix 'I').
- (b) Instructions, as proposed by the Commission, for the control and supervision of 1,500 members of the French Military Mission have been accepted with amendments (Appendix 'J').

SECRET

SECRET

30

- (c) Instructions for the control and supervision of the 3,500 members of the French Military establishments are still under consideration.

SUMMARY OF RESULTS OF SUPERVISION AND CONTROL

A: War Material for the Laotian National Army

109. The Commission has received from the Royal Laotian Government an estimate of the war material considered by it as necessary for the defence of Laos in 1955. Monthly forecasts and reports on such imports during the preceding months, as foreseen under paragraph 3 Part II of the instructions, have not been forwarded to the Commission.

110. Except one convoy of 1,000 rifles, the Commission's Teams have not reported any substantial importation of war material for the Laotian National Army.

B: French Military Mission with the Laotian National Army

111. The first report on the strength of the French Military Mission having been supplied only in June, documents have not so far been checked.

C: French Military establishment at Seno

112. Pending an agreement on the procedure, and in accordance with the provisional instructions of 18th December, 1954 the Commission's Teams at Savannakhet and Pakse have been checking convoys on information furnished by the local Commanders. The Teams are not always able to ascertain whether a convoy is destined for the French Base at Seno or for the Laotian National Army, as the name of the consignee is sometimes not indicated on the documents. The authorities concerned have been requested to remove this difficulty.

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CHAPTER IX

PRISONERS OF WAR AND CIVILIAN INTERNEES

113. During the period under consideration the question of Prisoners of War and Civilian Internees was dealt with in a number of letters received from both the Parties up to the 12th of February. After that date no other letters were forwarded to the Commission on this matter and it is stated that neither Party admits having any Prisoners of War or Civilian Internees of the other Party in its custody.

114. As was to be expected, the claims of the different Parties were widely contradictory. Even making allowances for inaccurate classification as between Civilian Internees and Prisoners of War, it would appear that each Party claims that the other is holding a large number of persons belonging to it. By and large, most of the French nationals seem to have been released. But a most pessimistic interpretation of the figures supplied by the opposing sides would indicate that the Vietnamese People's Volunteers/'Pathet Lao' side are still holding between 706 and 1846 persons of the Royal Laotian Government side and that the latter are retaining 692 Vietnamese People's Volunteers/'Pathet Lao' men. The disparity in the figures of men alleged to be held by the Vietnamese People's Volunteers/'Pathet Lao' side is explained by the fact that the Vietnamese People's Volunteers/'Pathet Lao' side claim that even before the Cease Fire it released 1,140 men belonging to different categories. It has not been possible to verify this statement.

115. The table at Appendix 'K' gives a summary of claims and counter-claims as they stood at the end of June, 1955.

SECRET

CHAPTER X

REMOVAL AND NEUTRALIZATION OF MINES

116. The Commission recorded in its First Interim Report that both the Parties had given assurance that they had fully implemented the Khang Khay Agreement of 29th August, 1954 regarding the removal or fencing of all mines and booby traps on the routes of withdrawal, along the important lines of communication and in the vicinity of populated areas. During the regroupment and withdrawal of forces, no complaints or reports of any casualty due to mines and booby traps were brought to its notice.

117. However, since May, 1955 the Commission has received from both sides some complaints of this nature relating to the province of Sam Neua. The Sub-Team at Houei Thao reported that mines were obstructing the main tracks and water points in its particular area. All these complaints could not be properly investigated, but the Commission sent letters to both Parties drawing their attention to Article 3-A of the Geneva Agreement, requesting them to keep it informed if certain areas had yet to be neutralized. The Royal Laotian Government replied that they had removed all mines and booby traps laid before 6th August, 1954 and that no further ones had been laid. No reply has yet been received from the 'Pathet Lao' High Command.

118. Following a fresh complaint from the Royal Laotian Government, the Commission sent another letter to both the Parties on 25th June, 1955 stressing that the laying of mines was not only a violation of Article 3-A of the Geneva Agreement but also constituted a serious danger to the lives of the local population. The two Parties were therefore requested to clear all mines and booby traps in the areas under their military control.

119. Because of the limited number of Teams available in the province of Sam Neua and the need to concentrate on more urgent and important investigations, the complaints regarding the laying of mines and booby traps could not be enquired into.

SECRET

CHAPTER XI

WORK OF THE GRAVES COMMISSION

120. The problem of War Graves has three aspects:—

- (i) exchange of lists of names, and the location of the graves;
- (ii) number of exhumation Teams;
- (iii) time required for exhumation.

By 31st December, 1954, no progress had been made in any aspect of this work.

121. A detailed memorandum by the Vietnamese People's Volunteers/'Pathet Lao' Delegation on the subject was forwarded to the Commission on 29th December, 1954.

122. The Franco-Laotian Delegation sent on 11th January, 1955, the first list of 53 dead Vietnamese People's Volunteers/'Pathet Lao' Prisoners of War and Civilian Internees, 16 of whom they identified as among those claimed for return by the Vietnamese People's Volunteers/'Pathet Lao' side.

123. The Commission at its meeting on 22nd January, 1955, was unable to make specific recommendations in the absence of any detailed claims by the Parties. It was felt, however, that at the next meeting between the International Commission and the Joint Commission, the following points should be considered:—

- (i) the Joint Commission was to fix a procedure for finding and removing the bodies;
- (ii) the Commanders of the Forces of each Party were to exchange information concerning the places of burial;
- (iii) the Commanders of the Forces of each Party were to allow, within a specific period, facilities to the exhumation Teams for search and removal;
- (iv) the composition and strength of each exhumation Team were to be determined;
- (v) the procedure for removal of the bodies of French nationals captured in Laos who died after removal to Vietnam, was to be settled;
- (vi) time-limit for completion of the entire task was to be fixed by the Joint Commission.

124. It became clear from the first meeting which the International Commission had with the Joint Commission towards the end of January, 1955, that, although the two Delegations had failed to come to any agreement, each of them had by then prepared a fairly exhaustive plan which had been discussed with the other. At the International Commission's instance a Sub-Commission of the Joint

SECRET

34

Commission met privately for several days to prepare an agreed protocol, but the differences, except in the first category as indicated below, were resolved only after protracted negotiations:—

- (i) *Exchange of lists*: It was agreed that lists would be exchanged within 24 hours of the signing of the convention.
- (ii) *Number of exhumation Teams*: The Franco-Laotian Delegation suggested two Franco-Laotian Teams for Phong Saly and Sam Neua and ten Vietnamese People's Volunteers/'Pathet Lao' Teams for the rest of Laos as against a Vietnamese People's Volunteers/'Pathet Lao' proposal of four Franco-Laotian Teams in the former region and fourteen Vietnamese People's Volunteers/'Pathet Lao' Teams in the latter. Secondly, as regards the composition of the Team the Franco-Laotian Delegation suggested six members including the representative of the civil administration, while the Vietnamese People's Volunteers/'Pathet Lao' Delegation proposed that the Team members should be representatives of the signatories of the Geneva Agreement. Thirdly, the Franco-Laotian Delegation proposed the formation of a central co-ordinating Team consisting of three Vietnamese People's Volunteers/'Pathet Lao' and three Franco-Laotian representatives with its headquarters at Seno. According to the Vietnamese People's Volunteers/'Pathet Lao' Delegation, this body was to be composed of two representatives each from the Vietnamese People's Volunteers and 'Pathet Lao', the French Union and the Royal Laotian Delegations, with headquarters at Vientiane. In addition, the Vietnamese People's Volunteers/'Pathet Lao' Delegation wished to have a staff of twelve.
- (iii) *Time-limit*: The Franco-Laotian Delegation desired the operations to be completed within six months of the signing of the convention while the Vietnamese People's Volunteers/'Pathet Lao' Delegation asked for nine months but later agreed to reduce it to six and a half months.
- (iv) *Dress of the Teams*: The Franco-Laotian Delegation wanted the staff to be dressed in civilian clothes, whereas the Vietnamese People's Volunteers/'Pathet Lao' Delegation proposed military uniforms.

125. The Franco-Laotian Delegation made it clear that, keeping in mind the Vietnam Agreement involving 40,000 graves, it was adequate in their opinion to have a small body with a few Vietnamese People's Volunteers representatives for the exhumation of about 900 graves in Laos. The Vietnamese People's Volunteers/'Pathet Lao' Delegation, insisted, on the other hand, that a large and dispersed organisation was necessary because of the topographical and transport problems peculiar to Laos. They also insisted on a Central Co-ordinating Committee representing all the Parties.

SECRET

SECRET

35

126. On 10th February a convention was signed by the Parties on the procedure for exhumation and removal of the bodies of the deceased military personnel including bodies of deceased prisoners of war. The text of the Convention is given as Appendix 'L'.

127. Following a request by the Commission for a report of progress, the Fixed Team at Savannakhet, after consultation with the Graves Co-ordinating Committee, indicated that both the Parties were agreed that the total number of graves affected was about 944 of which 130 were in Phong Saly and Sam Neua, 393 in the three southern provinces and 421 in the rest of Laos. The Fixed Team reported, however, that several difficulties still prevented the exhumation Teams from starting their work.

128. It became clear from the memoranda received from both the Parties that serious difference of opinion existed on the following points:—

- (i) *Distribution of Teams*: The Vietnamese People's Volunteers/'Pathet Lao' Delegation wished to have one Team for each province in spite of the unequal distribution of graves, on the ground that each Team would in that case have in its own area at least two months to carry out its task before the commencement of the rainy season. They contended that a great number of graves might have to be abandoned all over Laos during the rains if all the ten Vietnamese People's Volunteers/'Pathet Lao' Teams, as desired by the Franco-Laotian Delegation, were concentrated first in the three provinces of Saravane, Attapeu and Champassak, and later (from early June) in the remaining provinces. The Franco-Laotian Delegation claimed that their suggestion was based on the difficulties of providing transport and other facilities in all the provinces at the same time. The Vietnamese People's Volunteers/'Pathet Lao' Delegation added that communications were easier, during the rainy season, in the southern provinces where the graves were numerous; hence particular care should be taken to cover the remote provinces before the weather deteriorated. Further, they asserted that the Graves Convention specified one Vietnamese People's Volunteers/'Pathet Lao' Team for each of the ten provinces. There was no difference of opinion in regard to the positioning of the Franco-Laotian Teams in Phong Saly and Sam Neua.
- (ii) *Regroupment of cemeteries*: The Vietnamese People's Volunteers/'Pathet Lao' Delegation, basing themselves on Article 2(c) of the Convention, pressed that each grave should bear the name of the deceased with a suitable inscription, that in some places the graves should be grouped in cemeteries bearing appropriate citations. The Graves Co-ordination Committee had agreed to suitable inscriptions on individual graves. Later, the Royal Government made clear their categoric opposition to any inscriptions or

SECRET

SECRET

36

citations either on individual graves or cemeteries. In any event, they objected to the construction of cemeteries. The Franco-Laotian Delegation explained that in view of this attitude of the Royal Government they were unable to accede to the request of the Vietnamese People's Volunteers/'Pathet Lao' Delegation.

129. The Royal Government later clarified their position in a letter to the Commission, dated 9th May, 1955. They considered the subject of graves "as without interest and further not in conformity with Article 18 of the Geneva Agreement." They pointed out that this Article provided only for the removal and transfer of bodies and that if the Convention on Graves had, on the other hand, referred to cemeteries this was done only to find a solution in cases where removal and transfer of bodies were impossible because of distances and transport difficulties. In other words, the Royal Laotian Government argued that cemeteries could only be accepted in most exceptional circumstances and as a hypothetical possibility and never as a part of any recognised or planned disposal. Since, in the view of the Royal Laotian Government, these exceptional circumstances could never be cited in the case of Vietnamese People's Volunteers bodies, no cemeteries for them would be allowed by the Royal Laotian Government.

130. The Military Committee of the Commission met the Graves Committee in Vientiane between 5th and 10th May. As regards the distribution of Teams, the Franco-Laotian Delegation accepted the suggestion of the Military Committee that five Teams be sent to Lower Laos, three to Middle Laos, and two to Upper Laos, and, the Vietnamese People's Volunteers/'Pathet Lao' Delegation agreed to consider this as a basis for discussion. In regard to the time-limit for the completion of the operations, the Vietnamese People's Volunteers/'Pathet Lao' Delegation said that, because of time already lost in preliminary talks, the period of operations should be extended for six months after the date of commencement of work. The Franco-Laotian Delegation insisted that the time-limit should expire on 10th August, 1955 as mentioned in the Convention.

131. During these meetings the Vietnamese People's Volunteers/'Pathet Lao' Delegation expressed a wish to consult their respective High Commands and on 12th May the Commission was informed that all the Vietnamese People's Volunteers/'Pathet Lao' representatives had been instructed to report at Hanoi and Sam Neua. The Commission requested the French Liaison Mission to arrange for their air transport. After some delay the French Liaison Mission agreed to provide necessary transport to the Vietnamese People's Volunteers and 'Pathet Lao' Delegations to return to their headquarters. The Commission has been informed that the arrangements are now being made and that these delegates would soon be transported to Hanoi and Sam Neua.

132. The Royal Laotian Government asserted that the departure of the entire Vietnamese People's Volunteers/'Pathet Lao' Delegation

SECRET

SECRET

37

would be a repudiation of the Graves Convention, but the Commission informed them that it could not agree with this interpretation.

133. As regards the Franco-Laotian Delegation's request to start work immediately in Phong Saly and Sam Neua on the French graves, the Vietnamese People's Volunteers/'Pathet Lao' Delegation pointed out that this could be undertaken simultaneously with a general settlement of the entire problem. Since the Commission had considered the Convention valid until 10th August, irrespective of whether the Vietnamese People's Volunteers and 'Pathet Lao' Delegations returned from their headquarters or not, it made it clear that after this date the work of the graves could only proceed if a new Convention were drawn up or the old one extended by the consent of both the Parties.



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CHAPTER XII

ESTABLISHMENTS AND ORGANISATION

134. The Chief of the Polish Delegation, Mr. M. Graniewski left for Poland for reasons of health on 15th March, 1955. Since then, during the whole period under report, Mr. A. Malecki led the Polish Delegation as its Acting Chief. The Chief Military Adviser of the Polish Delegation, Lieutenant Colonel W. Wisniewski was replaced by Lieutenant Colonel Z. Moskwa in the month of June.

135. Major General P. S. Gyani, Alternate Delegate of the Indian Delegation left Laos on 27th April. Major General P. N. Kirpal has taken his place.

136. The Chairman of the Commission, Dr. J. N. Khosla (India) proceeded on leave in May and Mr. S. Sen was appointed Chairman in his capacity as the Leader of the Indian Delegation.

137. Except for a few persons who were compelled to leave for reasons beyond their control, there was no change in the International Secretariat.

138. The Fixed and Mobile Teams of the Commission continued to function. A Fixed Team was established at Tchepone on 21st March, 1955. The repair of the road passing through Tchepone had not, however, made sufficient progress by the time the rains commenced. The Commission decided, therefore, to transfer the Team from Tchepone to Xieng Khouang and utilise it temporarily for investigations in the province of Sam Neua.

139. The Fixed Team at Sophao was transferred to Sam Neua on 10th January, 1955.

140. In March, the question of the Teams, Fixed and Mobile, was reviewed by the Commission, and it was decided to withdraw all the Mobile Teams except the one in Luang Prabang. This was effected by 14th April, 1955.

141. On 30th June, the Commission had Fixed Teams at the following places in addition to the Mobile Team at Luang Prabang: —

Pakse
Savannakhet
Tchepone (temporarily at Xieng Khouang)
Vientiane
Xieng Khouang
Phong Saly
Sam Neua

The Signals Detachment continued to be maintained at Boun Neua.

142. The maintenance of the Teams in the northern provinces of Phong Saly and Sam Neua has not been easy. Long before the monsoon commenced, the Commission had considered the problem of

SECRET

39

supplying rations and medical stores to these Teams. The Deputy Secretary-General (Administration) and Administrative Officer of the International Secretariat visited Sam Neua, Boun Neua and Phong Saly and examined local resources and the requirements of the Teams during the rainy months, when communications by air were likely to be suspended. It was decided to build up a three months' reserve of rations and other requirements at Phong Saly and Sam Neua.

143. It was feared that the airstrip at Boun Neua might become unserviceable during the rains; but at later information from the French airforce authorities indicated that it could be used during the entire year, the Commission decided to retain the Signals Detachment and a helicopter at Boun Neua. All the northern Teams have been provided with reserve rations to safeguard against risks of supplies not being available because of weather conditions.

144. The question of illness during the monsoon months among the Commission personnel in Sam Neua, Phong Saly and Boun Neua also engaged the attention of the Commission. There are no medical facilities in the two northern provinces and it was feared that if removal of sick persons by air became impossible, the medical orderly stationed with each Team would not be able to attend adequately to instances of serious illness. This actually happened once, even before the monsoon really started, when two Polish members of the Phong Saly Team and another Polish member of a Sub-Team at Muong Peun fell ill, and could not be evacuated due to a lack of helicopters. A Medical Officer had to travel from Boun Neua to Phong Saly on foot and pony. The problem has now been more or less solved by stock-piling of sufficient medical supplies and by the appointment of a Medical Officer as a member of each Team. These officers have also given medical attention to the local population.

145. Air transport was generally satisfactory until May when the number and maintenance of helicopters and light aircraft deteriorated. The courier plane service connecting Saigon, Phnom-Penh, Vientiane and Hanoi continued. Arrangements for motor transport for Teams outside Vientiane were not always satisfactory: jeeps placed with them had been in war service for many years and broke down frequently.

146. Signal Communications of the Commission with its Teams and with Vietnam and Cambodia continued to function satisfactorily.

147. Between 1st January and 30th June, 1955, the International Commission met 58 times and also held 9 meetings with the Joint Commission. During the same period, the Military, Political and Administrative Committees held 23, 30 and 10 meetings respectively.

148. The Secretariats-General of the three Commissions in Indo-China met in a Co-ordination Conference on 3rd and 4th April at Vientiane. This meeting reviewed earlier decisions on administrative, financial and operational matters taken at the first Co-ordination Conference held in Hanoi in November, 1954.

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CHAPTER XIII

PUBLIC RELATIONS

149. During the period under review, the Commission issued twelve press communiques dealing with a variety of subjects a list of which is given in Appendix 'M'.

150. On 14th March, 1955 at the suggestion of the Canadian Delegation, it was decided that the Public Relations Officer should prepare periodical communiques on the activities of the Laos Commission and place the drafts before the meeting for approval. In practice no such communique was, however, issued.

151. On a few occasions, the Parties prematurely released to the Press documents addressed to the Commission. Consequently, the Commission addressed a communication to the Parties, on 28th April, asking them to refrain from such releases until the Commission had had time to deal with the documents in question.

152. A number of foreign correspondents and a Television Unit of the British Broadcasting Corporation visited Laos and were assisted by the Public Relations Officer, who also kept in touch with correspondents in Saigon and Hanoi. Film Units from the Governments of India, Poland and Canada were among those to whom facilities were extended.

153. Co-ordination of the working methods and relations among the Public Relations Departments of the three Commissions in Vietnam, Cambodia and Laos were discussed at the Second Co-ordination Conference of the three Secretariats-General, held in Vientiane in April. Among the decisions agreed to, were:—

- (i) Policy regarding publicising the work of each Commission should be decided by the Commission concerned;
- (ii) Facilities should be given for accredited correspondents travelling by the Commission's courier plane.

S. SEN,
Delegate of India and Chairman.

L. MAYRAND,
Delegate of Canada.

J. ZAMBROWICZ,
Delegate of Poland.

APPENDIX 'A'

Joint Declaration by the Political Conference giving undertakings to put a stop to Hostile Acts, particularly Military Activities.

In order to implement the Geneva Agreement and realise the common aim of the Royal Laotian Government and the Forces of the 'Pathet Lao' so as to satisfy the aspirations of the Laotian people who desire to see an agreement between the two parties for the tranquility and happiness of the Fatherland.

The Political Conference between the Political Delegation of the Royal Government and the Political Delegation of the Forces of 'Pathet Lao' (Lao Itsala), meeting from 20th January, 1955 to 8th March, 1955, unanimously recognise that both Parties must adopt practical measures to give effect to their spirit of sincere co-operation, by, first of all, causing all hostile acts to cease so as to put an end to the tense situation and to create favourable conditions which will enable the Political Conference to settle the fundamental political questions concerning both Parties.

In order to achieve the above aim, the Political Delegation of the Royal Laotian Government, in the name of the Royal Laotian Government, declares that it undertakes not to permit the recurrence of hostile acts of any nature against the 'Pathet Lao', particularly military actions. The Political Delegation of 'Pathet Lao', in the name of the Forces of 'Pathet Lao', declares that it undertakes not to permit the recurrence of hostile acts of any nature against the Royal Laotian Government, particularly military actions.

The conference is of the opinion that the Military Command of each Party should issue necessary orders to all officers and men under it to put an immediate end to all reciprocal hostile acts, particularly military actions.

The conference is firstly convinced that, with the sincere spirit of negotiation and co-operation between the two Parties, this Joint Declaration will have good results and will create conditions favourable to the Joint Political Council which will be set up to settle all political questions concerning both Parties.

Plaine des Jares, 9th March, 1955.

The Political Delegation of
the Forces of 'Pathet Lao'. The
Head of the Delegation.

Sd: Phaya Phoumi Vongvichit.

The Political Delegation of the
Royal Laotian Government, The
Head of the Delegation.

Sd: Phaya Oun Heuan Norasing.

(Translation from original French).

APPENDIX 'B'

Resolution submitted by the Canadian Delegation on 3rd May, 1955 regarding negotiations for the Political settlement between the two parties.

The International Commission for Supervision and Control in Laos:

A. In view of its letters No. F.3/(6)-ICL/55/738 and 739 of March 29, 1955, addressed to the Commander-in-Chief of the Fighting Units of 'Pathet Lao' and to the Prime Minister of the Royal Laotian Government requesting them to report on the progress of the negotiations for the political settlement mentioned in Article 14 of the Geneva Agreement;

B. In view of the replies given by the Prime Minister of the Royal Laotian Government in his letters No. 23/SP-MP of April 6 and No. 7/CO-SP/MP of April 8, and by the Head of the Political Delegation of the Fighting Units of 'Pathet Lao' in his letter No. 63/DPPL of April 22, 1955;

C. Feeling that certain misconceptions bearing on the interpretation of the Geneva Agreement prevent the negotiations from reaching a satisfactory conclusion;

D. Deems it necessary to enact the following advisory opinions:—

- (i) The essential object of the political settlement as envisaged in Article 14 of the Geneva Agreement is the reintegration of the non-demobilized Fighting Units of 'Pathet Lao' into the national community.
- (ii) The re-establishment of the Royal Government administration in the provinces of Phong Saly and Sam Neua was meant to take place immediately after the cessation of hostilities and should not, therefore, be made dependent upon the conclusion of the political settlement—the only requirements being (a) that the Royal Government will take the necessary measures to integrate all citizens, without discrimination, into the national community and to guarantee them the enjoyment of the rights and freedoms for which the Constitution of the Kingdom provides; (b) that all Laotian citizens may freely participate as electors or candidates in general elections by secret ballot; and (c) that the Royal Government will promulgate measures to provide for special representation in the Royal Administration of these two provinces, pending the general elections, of the interests of Laotian nationals who did not support the Royal forces during the hostilities;
- (iii) Similarly, the question of democratic rights should not be treated as a condition of political settlement—the International Commission, in other respects, being responsible for the supervision and control of the provisions of Article 15 of the Geneva Agreement, according to which "each Party undertakes to refrain from any reprisals or discrimination against persons or organizations for their activities during the hostilities and also undertakes to guarantee their democratic freedom";

- (iv) Similarly, questions having to do with the eventual amendment of the Constitution and the electoral law should not constitute a pre-requisite of the political settlement, since the Geneva Agreement contains no provision to that effect;

E. Recommends:

- (i) That the two Parties should bear the above advisory opinions in mind, in their continued negotiations;
- (ii) That, while any question may of course be agreed upon by mutual consent, no Party should retard the conclusion of the political settlement by requests alien to its essential object if the other Party refuses to accept the same.



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APPENDIX 'C'

Resolution concerning the Nong Khang incident

The International Commission considered the report of the Mobile Team, Xieng Khouang concerning the investigation conducted at Nong Khang with regard to the complaint of the Franco-Laotian Party *vide* their telegram No. 1721/CM, dated 14th January, 1955.

2. Based on the evidence in the report, the International Commission records:—

- (a) that there was no actual assault carried out by the 'Pathet Lao' troops against the Laotian National Army post at Nong Khang and that no soldier was reported killed;
- (b) that the 'Pathet Lao' troops, reported to be about 40 strong, entered the village of Nong Khang on 10th January, 1955, thus violating the 2 kilometer zone established around the post at Nong Khang, the decision regarding which was conveyed by the same Team to both the Parties on 21st December, 1954, and confirmed by the International Commission *vide* their message No. ICSC/288, dated 22nd December, 1954;
- (c) that taking into consideration the offensive action taken by the 'Pathet Lao' in—
 - (i) violating the 2 kilometer zone as stated in paragraph (b) above;
 - (ii) the approach by certain 'Pathet Lao' soldiers to close vicinity of the airfield;
 - (iii) the presence of 'Pathet Lao' soldiers in the vicinity of the water point, thus denying the use of that water to the Laotian unit;

and furthermore, the continued apprehension of an attack by the 'Pathet Lao' forces, coupled with the known presence of a certain number of 'Pathet Lao' soldiers in the surrounding villages at Nong Deng, Muong Sanan and Nathen, the Franco-Laotian Commander ordered the huts and stores to be destroyed and withdrew his forces to Houei Thao on 14th January, 1955, on which date the 'Pathet Lao' later took control of the airstrip;

- (d) that on January 17, 1955, 'Pathet Lao' forces refused to comply with the request of the Team that they should evacuate the vicinity of Nong Khang airstrip;
- (e) that, on the basis of first information received from the Team, the International Commission sent on January 18, the following telegram addressed to Chief, Franco-Laotian Dele-

gation; Chief, Vietnamese People's Volunteers/'Pathet Lao' Delegation:—

"ICSC/50. Intercom received a very serious complaint of an alleged attack on Nong Khang on January 13. Intercom immediately instructed its Team to proceed to Nong Khang for preventing further incident and for investigation. Intercom is awaiting a comprehensive report from its Team and will give necessary recommendation as soon as the report is received. Intercom takes grave view of the fact that adequate action does not appear to have been taken by the Parties to implement the recommendation of the Intercom as contained in message No. ICSC/288 of December 22. Intercom desires to draw the immediate attention of the High Command of both sides and request urgent action in this regard to prevent recurrences of such situation in the future and also the Joint Commission to take such measures that will restore the situation and maintain peace."

The Joint Commission did not take any action on it, nor was the situation restored.

3. The International Commission regrets:—

- (a) that the 'Pathet Lao' forces have violated the recommendation of the International Commission referred to in paragraph 2(b);
- (b) that the International Commission's recommendation to the Joint Commission referred to in paragraph 2(e) above was not complied with;
- (c) that the 'Pathet Lao' forces in this case did not ensure the implementation of Article 19 of the Geneva Agreement under which "the armed forces of each Party shall respect the territory under the military control of the other Party and engage in no hostile act against the other Party".

4. In conclusion, the International Commission:—

- (a) reiterates that the 'Pathet Lao' forces should restore the situation as it was on 29th December, 1954 and in accordance with the International Commission's recommendation to the Joint Commission, made in its telegram No. ICSC/50, dated 18th January, 1955, and addressed to the Chiefs of the Franco-Laotian and Vietnamese People's Volunteers/'Pathet Lao' Delegations and that, therefore, the 'Pathet Lao' forces should immediately evacuate the Nong Khang airstrip and the 2 kilometer zone defined in the letter of December 24, from the Chairman of the investigating Team to the Commander of the 'Pathet Lao' troops, in which the 'Pathet Lao' Commander was told that "your forces should not come within 2 kilometers from Nong Khang";

At the same time, the International Commission does not intend to pre-judge the issue with regard to the presence of Laotian National Army troops on 6th August, 1954 in the area concerned; The decision in regard to this question will

be given after further investigations which have already been ordered. This recommendation is being made in order to prevent the Parties from deciding issues by force;

- (b) requests the Commander-in-Chief of the Fighting Units of 'Pathet Lao' to take suitable action under Article 17 of the Geneva Agreement; and
- (c) requests the Commander-in-Chief of the Fighting Units of 'Pathet Lao' to inform the International Commission as to the action taken regarding paragraphs 4(a) and (b) above.



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APPENDIX 'D'

*Resolution submitted by the Canadian Delegation on 24th May, 1955
regarding re-establish of Royal Administration in the Provinces
of Phong Saly and Sam Neua.*

The International Commission for Supervision and Control in
Laos,

- I. Considering that the sovereignty, the independence, the unity and the territorial integrity of Laos were recognised in the Geneva Settlement and expressly underwritten by all the members of the Geneva Conference in paragraph 12 of their Final Declaration;
- II. Considering that political administration is an attribute of sovereignty and that the authority of the Royal Government to the exclusive exercise of this function throughout the whole of Laos is apparent from the terms of its Declaration of July 21, 1954 at Geneva of which note was taken in paragraph 3 of the Final Declaration of the Conference;
- III. Considering that the terms of this Declaration of the Royal Government can be invoked as a guide to the interpretation of Article 14 of the Agreement and to the nature of the political settlement envisaged therein;
- IV. Considering that the Declaration of November 4, 1954 made by the 'Pathet Lao' Delegate on the Joint Commission, viz., "that the 'Pathet Lao' forces recognise the Royal Government and that in principle the administration of 'Pathet Lao' in the two provinces of Sam Neua and Phong Saly is classified under the supreme authority of the Royal Government", was recognition of the existing legal situation;
- V. Considering that the Royal Government was entitled as from August 6, 1954, to exercise directly its right of administration in the provinces of Sam Neua and Phong Saly;
- VI. Considering that, in so far as the International Commission is concerned, the actual re-establishment of the Royal Administration in the provinces of Sam Neua and Phong Saly was delayed because of the belief in the possibility of an early political settlement;
- VII. Considering that, by its unanimous Resolution dated December 3, 1954, the International Commission recommended that representatives of the Royal Government and 'Pathet Lao' should examine together the means to adopt with a view to attaining, within the framework of the political settlement envisaged in Article 14 of the Geneva Agreement, the re-establishment of the Royal Administration in the provinces of Sam Neua and Phong Saly;
- VIII. Considering that the negotiations have so far led neither to the political settlement nor to the re-establishment of the

Royal Administration in the provinces of Sam Neua and Phong Saly and that, until this is accomplished, the unity and integrity of Laos and the sovereignty of the Royal Government remain impaired;

- IX. Considering that the question of the re-establishment of the Royal Administration in the provinces of Sam Neua and Phong Saly is independent from that of the political settlement envisaged in Article 14 of the Geneva Agreement;
- X. Considering that the re-establishment of the Royal Administration in the provinces of Sam Neua and Phong Saly has become immediately imperative in view of the approaching general elections;
- XI. Recommends:
 - (a) That the Royal Administration in the provinces of Sam Neua and Phong Saly should be re-established without further delay;
 - (b) That the Royal Government, in resuming administration of the provinces of Sam Neua and Phong Saly, should abide by the terms of its unilateral Declaration at Geneva of July 21, 1954, referred to above;
 - (c) That the Fighting Units of 'Pathet Lao' should endeavour within a limit of eight days from the date of the receipt of this recommendation, to concert with the Royal Government the appropriate arrangements for the re-introduction of the Royal Administration;
 - (d) That, if at the end of this period no agreement has been reached, both Parties will fully inform the International Commission of the situation and of their attitude.

APPENDIX 'E'
Table of Reported Incidents and of Investigation carried out from 1st January to 30th June 1955
 Complaints received from 'Pathet Lao'

Nature of complaints	Total No. of Com- plaints	Out of the total number			Investigation	
		For I.C.'s, informa- tion	Lodging protest	Request- ing inter- vention	Request- ing investi- gation	Ordered Carried out
	(1)	(2)	(3)	(4)	(5)	(6) (7)
Brought forward from 1954 complaints						
Brought forward from 1954 Existence of Laotian National Army posts		..	..	..	..	6 3
						..
A. Attack, threat of attack, skirmish, occupation of territory	25	..	..	6	19	8 5
Clandestine introduction of arms	..	..	..	..	..	..
Illegal depots of arms and ammunition	..	..	..	..	..	..
Arrests of Military personnel	2	..	..	1	1	1 1
Introduction of new troops into Laos	1	..	1	..	..	1 ..
Placing of mines	1	..	..	..	1	..
						..
TOTAL OF A	29	..	1	7	21	10 6

APPENDIX ' E '—*contd.*

Nature of complaints	(1)	(2)	(3)	(4)	(5)	(6)	(7)
B. Attacks on civilians and murders	10	..	2	1	7	1	..
Other violations of democratic freedom	14	..	..	10	4	2	1
TOTAL OF B	24	..	2	11	11	3	1
TOTAL OF A AND B	53	..	3	18	32	13	7



APPENDIX ' F '

Table of Reported incidents and of investigations carried out from 1st January to 30th June, 1955.

Complaints received from Royal Laotian Government.

Nature of complaints	Total No. of com- plaints	Out of the total number				Investigation	
		For I.C's. infor- mation	Lodging protest	Request- ing inter- vention	Request- ing investi- gation	Ordered	Carried out
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Brought forward from 1954 complaints . . . . .	..	..	..	..	..	7*	6
Brought forward from 1954 Existence of Laotian National Army posts . . . . .	..	..	..	..	..	13**	4
A. Attack, threat of attack, skirmish, occupation of territory	24	1	5	3	15	10	7
Clandestine introduction of arms	2	..	..	..	2	2	..
Illegal depots of arms and ammunition	1	1	..	..	..	..	..
Arrests of Military personnel . . . . .	..	..	..	..	..	..	..
Introduction of new troops into Laos	4	..	..	2	2	4	..
acing of mines	4	1	..	2	1	..	..
TOTAL OF A	35	3	5	7	20	16	7

*Investigation on Hua Xieng cancelled.

**Cancelled investigations 9.

APPENDIX 'F'—*contd.*

Nature of complaints	(1)	(2)	(3)	(4)	(5)	(6)	(7)
B. Attacks on civilians and murders	1	..	1	..	..	..	..
Other violations of democratic freedom	9	2	..	7
TOTAL OF B	10	2	1	7
TOTAL OF A AND B	45	5	6	14	20	16	7



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APPENDIX 'G'

Letter from the High Command of the Fighting Units of 'Pathet Lao', dated 11th June, 1955 rejecting Nong Khang Resolution.

We have the honour to acknowledge receipt of your Resolution regarding the question of Nong Khang. A verbal note from the Polish Delegation concerning this Resolution was also received by us.

We give here below our position and our point of view with regard to the said Resolution:—

- (i) Nong Khang is a region, part of the province of Sam Neua. Even before the cease-fire, Nong Khang as well as the whole of the territory of the two provinces of Sam Neua and Phong Saly was entirely controlled by the civil authorities and the 'Pathet Lao' troops.

Taking advantage of the situation which arose after the "cease-fire", the Franco-Laotian side paradropped a certain number of officers with the task of regrouping the last remnants of the gangs of pirates till then in shelter in the neighbouring forest. At the same time, it secretly sent infantry reinforcements and incorporated by force the young villagers of the region for the occupation of Nong Khang.

Exposed to the vehement indignation of the inhabitants of the region, faced with the disapproval of the whole population, as a result of energetic protests by the 'Pathet Lao' Delegation at the Joint Commission, the Armed Groups of the Royal Government occupying Nong Khang had to evacuate the place and, since then, the 'Pathet Lao' troops have returned to continue their task of control.

The above mentioned facts clearly indicate that the Franco-Laotian side has seriously violated Articles 14 and 19 of the Geneva Agreement. They also indicate that the 'Pathet Lao' side has rigorously implemented the said Agreement and has given proof of its will for Peace and Conciliation.

- (ii) Article 14 of the Geneva Agreement clearly states that pending a political settlement, the 2 provinces of Sam Neua and Phong Saly constitute the regroupment zone for the Fighting Units of 'Pathet Lao'. Nong Khang being a region which is part of the province of Sam Neua, it follows that the presence of the 'Pathet Lao' forces in this area to watch over the security of the population is, in any case, perfectly in accordance with the spirit and letter of the Geneva Agreement.
- (iii) Besides, the note from the Polish Delegation points out that the Resolution of 25th February, 1955 aims at amending Article 14 of the Geneva Agreement. But as it has

not been adopted unanimously by the International Commission, it cannot be considered as valid and in good form.

For the above mentioned reasons, we regret not being able to accept your Resolution of 25th February, 1955.

We have the pleasure to forward to you, Mr. Chairman and all the members of the International Commission our sincere wishes.

(Translation from original French.)



APPENDIX 'H'

Instructions for the guidance of fixed and mobile teams in relation to the control of war materials for the French Forces in Laos and the Royal Laotian Army and for personnel of the French Union Forces in Laos.

INTRODUCTION

1. These instructions are issued in continuation of "Notes for the guidance of Fixed Teams" with particular reference to the procedure for exercising supervision and implementation of the under-mentioned clauses of the Geneva Agreement. They may be revised from time to time.

- (a) Article 6.—Introduction of forces after the "Cease Fire".
- (b) Article 7.—Prohibition of new bases.
- (c) Article 8.—Maintenance of 3,500 French Forces at Seno Base.
- (d) Article 9.—Introduction of "War Materials".
- (e) Article 10.—Specified "ports of Entry" for Laos.
- (f) Article 26.—Fixed and Mobile Teams and their zones of action.
- (g) Article 27.—Control of French Forces in Laos and of the importation of war material.
- (h) Article 38.—Co-operation with the International Commission in Cambodia and Viet Nam.

PART I

Supervision of 1,500 officers and men of the French Military Mission and of 3,500 Officers and men of the French Military Establishment at Seno Base.

INFORMATION TO BE PROVIDED BY THE FRENCH

- 2. (a) The French Headquarters will submit a report at the beginning of each month of the number of French soldiers in Laos—
 - (i) By the Headquarters French Military Mission in Vientiane to Headquarters International Commission with a copy for information to the Fixed Team VIENTIANE of those attached to the Royal Laotian Army in Laos.
 - (ii) By the Commander at Seno Base to the International Commission with a copy to the Fixed Team Savannakhet of those on his strength at Seno.
- (b) The respective French Commanders will also submit a report at the beginning of each month of those soldiers

who have left Laos permanently or temporarily on leave or duty during the preceding month.

- (c) The respective French Commanders will also submit a forecast of the movement of troops, 20 or more, to the International Commission with a copy to the Team/Teams concerned, likely during the current month. They will confirm to the Team concerned the exact schedule of move sufficiently ahead to enable the Team to carry out the check.

3. On the basis of the above data, the International Commission will issue separate recommendations for its Teams in order to check the documents and when necessary, personnel on the ground. This does not affect paragraph 2(c) above. Teams will carry out these checks at their own discretion.

INSPECTIONS

- 4. (a) All inspections will be carried out by the Team accompanied by a French or Laotian Liaison Officer in accordance with the "Notes for the guidance of Fixed Teams *vide* paragraph 2(a)". If the check is to take place at any Military Establishment, the Team will visit the senior French Laotian officer of the station who will be referred to and who will make necessary arrangements for the Team to carry out its task.
- (b) The above instruction does not apply to the Air Field located within the Seno Base which will be available for the Team to visit at all times.
- (c) In accordance with "Notes for the guidance of Fixed Teams, paragraph 4 I(c)" the Team may supervise at ports, air fields and all places of entry on the river and land routes along the frontiers of Laos the implementation of the provisions regulating the introduction into Laos of Military personnel and war materials assembled or in parts.

METHOD OF CHECK

(When ordered by the International Commission *vide* paragraph 3 above.)

5. The number of French personnel in Laos will be checked by Teams by an examination of their official documents—Rolls, signed pay sheets and the like. The senior Franco Laotian officer in charge of these documents will be required to display the Nominal Roll and signed pay sheets to a Team upon request. The Team desiring to make such a check will report to the Headquarters Seno Base or the French Military Mission at Vientiane and ask the Officer Commanding permission to see these papers. This officer will then assist the Team to carry this out.

FURTHER CHECKS

6. If the International Commission should be doubtful of the authenticity of the documents noted in paragraph 5 and wish

actually to see certain personnel to satisfy themselves of their presence, they may:

- (a) In the case of those employed with the Royal Laotian Army (in accordance with Article 6) require them to be summoned; if in Vientiane, to their presence for an informal check of their identity. If stationed elsewhere in Laos with the Royal Laotian Army, arrangements will be made for these soldiers to attend an informal check by the Team at a place and at a time mutually agreeable to the Royal Laotian Army, the French Forces and the Team.
- (b) In the case of those forming part of French Forces in Laos in accordance with Article 8 of the Geneva Agreement and stationed at present in Seno, they will be required to attend individually an informal check of their identity by the Team. It will not be necessary to check the units or sub-units on parade or in barrack rooms.
- (c) Personnel whose presence is requested and who may not be available due to absence on leave, duty or sickness may be seen later if desired, at a time and place mutually agreeable to the French and French/Royal Laotian authorities.

PART II

Supervision of introduction of war material

INTRODUCTION

1. The following paragraphs indicate the procedure according to which the Team may carry out supervision with regard to the implementation of the provisions of the Geneva Agreement regulating the introduction into Laos of war material. The team may carry out a check on receipt of information *vide* paragraph 3 below, as per procedure given in the subsequent paragraphs. It may on the other hand carry out a check on its own initiative as indicated in paragraph 8 below. It should be noted that these instructions which are for guidance only are not intended to make it always necessary for the Team to check all convoys. The team may use its discretion in this respect.

DEFINITION

2. In these instructions the term "war material" indicates armaments, munitions and military equipment of all kinds as noted in Article 9 of the Geneva Agreement.

FORECAST OF IMPORTS

3. Forecasts of imports of war material for the Royal Laotian Army for that month will be sent to the International Commission at the beginning of each month for transmission to the Teams concerned. These will state generally the quantity and type of material to be imported and the expected date and place of arrival and the method of transportation to be used.

4. In addition to the list submitted by the Royal Laotian Government to the International Commission as per paragraph 3 above, the local commanders of the Regions will notify the Team concerned as far as possible, 8 days in advance about the plans for the introduction or export of war material. It is important, in order to avoid delay, that the Teams of the Commission should receive the earliest possible notification of the impending arrival of war material by road, air or water. This information, in addition to the forecast in paragraph 3 above, would permit the appropriate Team to take timely action to carry out their necessary inspection. For material consigned to Seno—if by air, Saigon could perhaps notify its departure in advance. If by road, Pakse or Tchepone could inform in advance. Material to Savannakhet by water, could be notified from Pakse. Similarly, the movement by air of material to Vientiane or Luang Prabang, Xieng Khouang (Plaine-des-Jarres) from Saigon should be notified to the Team concerned as early as possible.

5. All war material to be despatched out of Laos will be notified to the International Commission by the Royal Laotian Army so that it may be checked up and the balance kept accurately. The place of loading will be specified in order that it may be inspected by the appropriate Team.

INSPECTIONS

6. All inspections will be carried out by the Team accompanied by a Liaison Officer in accordance with the "Notes for the guidance of Fixed Teams paragraph 2(a)". These inspections will be conducted at or near the places of entry by road, water or air as specified in Article 10 of the Geneva Agreement.

METHOD OF CHECK

7. (a) A vehicle, ship or airplane may be checked by the Team or a manifest produced by the driver, skipper, or pilot accepted in lieu thereof, OR a "spot check" against the manifest carried out.
- (b) The driver, skipper or pilot will be asked no questions other than those concerning his actual load as shown on his manifests, its place of origin, its destination and to whom it is consigned.
- (c) The contents of the carrying agency will be recorded at the time, for entry later. The minimum of delay to the agency will be caused and the Team has no authority to hold up the forwarding of any shipment. In any case of doubt regarding the legitimacy of a load, the Team will carefully record all details, permit it to proceed and refer to Higher Authority concerning it, as soon as possible.

ADDITIONAL CHECKS

8. These may be carried out from time to time preferably by "spot check", by Teams from Pakse or Tchepone at any appropriate place including the frontier. Undue delay to vehicles or boats will

be avoided as these may be inspected later, in any event, at Seno or Savannakhet. Teams carrying out these checks will notify the Fixed Team at Savannakhet of their results giving them the necessary details for record so that a double check on the same vehicle will not be necessary. Other Fixed or Mobile Teams may carry out checks at any appropriate place including points on the frontier on their own initiative or on the orders of the International Commission.

CHECK POINTS

9. Check points will be established for the inspection of war material at the ports of entry for inbound and outbound carrying agencies as follows:—

Road—Seno. River—Savannakhet.

Air—Seno, Vientiane, Luang Prabang and Xieng Khouang (Plaine-des-jarres).

At these places the local commanders will be prepared to facilitate the inspection duty of Commission Teams including the provision of a Liaison Officer. At Seno, they will require to establish facilities available 24 hours a day, including shelter and telephone communications, as this location will probably be a busy one for road moves.

IDENTIFICATION OF VEHICLES AND LOADS

10. The Royal Laotian Government will be responsible for providing all carrying agencies—civil and military—employed in conveying war material in and out of Laos with the following identification. Careful adherence to this rule will facilitate inspection by Teams of the International Commission and will avoid delay and confusion:—

- (a) *Identity Number.*—Each vehicle will be given a serial number, whether travelling singly or in convoy, which it will carry in a conspicuous place *en route*. A different number should be provided for each trip that the individual vehicle may make. The number may be assumed anywhere outside Laos but must be on the vehicle when it crosses the border. A number is NOT necessary for boats or airplanes.
- (b) *Load Manifests.*—The driver (pilot or skipper) of each vehicle (etc.) will be issued with a "Manifest" showing the contents and nature of his load. This may be considered a confidential document, but must be shown by him to any Team of the International Commission on request. The document should also show the driver's etc. name and have the serial number allocated by the French Command to his vehicle, (etc.) entered on the manifest. In the case of transshipment—lorry/boat/plane—or any alteration of the load, the manifest must accompany the load or a new one be made out.

LIAISON WITH CAMBODIA AND VIETNAM

11. To provide local liaison with Cambodia and Vietnam, noted in Article 38 the Fixed Team at Savannakhet is responsible for notifying the export of war materials by road or water, through Pakse to Kratie or through Tchepone to Touranne or *vice-versa*.



APPENDIX 'I'

Instructions for the guidance of fixed and mobile teams in relation to the control of French Union personnel of the French Military Mission to the Royal Laotian Army and of Introduction of war materials for the Royal Laotian Army.

INTRODUCTION

1. These instructions are issued in continuation of "Notes for the Guidance of Fixed Teams" with particular reference to the procedure for exercising supervision and implementation of the under-mentioned clauses of the Geneva Agreement. They may be revised from time to time:—

- (a) Article 6.—Introduction of forces after the "Cease Fire".
- (b) Article 9.—Introduction of "War Materials".
- (c) Article 10.—Specified "Ports of Entry" for Laos.
- (d) Article 26.—Fixed and Mobile Teams and their zones of Action.
- (e) Article 27.—Control of French Forces in Laos and of importation of war material.
- (f) Article 38.—Co-operation with the International Commissions in Cambodia and Vietnam.

PART I

Supervision of 1,500 officers and men of the French Military Mission to the Royal Laotian Army

INFORMATION TO BE PROVIDED BY THE FRENCH MILITARY MISSION

- 2. (a) The Headquarters of the French Military Mission to the Royal Laotian Army will submit a strength return at the beginning of each month of the number of Officers and NCOs. of French Military Personnel attached to the Royal Laotian Army in Laos.
- (b) The Headquarters of the French Military Mission to the Royal Laotian Army will submit a strength return at the beginning of each month of those French Military Personnel attached to the Royal Laotian Army who have left Laos permanently or temporarily on leave or duty during the preceding month.
- (c) The Headquarters will also submit a forecast of the movement out of Laos of French troops, 20 or more, likely during the current month. They will confirm the exact schedule of such moves sufficiently in advance to enable a Team to carry out a check.

- (d) The strength states mentioned in (a) and (b) above and the forecast mentioned in (c) above will be submitted to the International Commission, Vientiane with a copy in each case submitted to the Chairman, Fixed Team, Vientiane.

3. On the basis of the above data, the International Commission will issue separate recommendations for its Teams in order to check the documents and when necessary, personnel on the ground. This does not affect paragraph 2(c) above. Teams will carry out these checks at their own discretion.

INSPECTIONS

- 4. (a) All inspections will be carried out by the Team accompanied by an officer nominated by the local Military Commander and in accordance with the "Notes for the guidance of Fixed Teams".
- (b) In accordance with "Notes for the guidance of Fixed Teams", paragraph 4 I(c) the Team may supervise at ports, airfields and at all places of entry on the river and land routes along the frontiers of Laos the implementation of the provisions regulating the introduction into Laos of military personnel.

METHOD OF CHECK

5. The number of French Military personnel attached to the Royal Laotian Army in Laos will be checked by the Team by an examination of the "FICHE CONTROL DE SOLDE" cards to support those submitted under paragraph 2 above. The Team desiring to compare the foregoing with those held by the French Military Mission will report to the Headquarters of the French Military Mission to the Royal Laotian Army in Vientiane and ask the Commanding Officer for permission to see such papers. The Commanding Officer is requested to assist the Team to carry this out.

FURTHER CHECKS

6. If the International Commission should be doubtful of the authenticity of the documents noted in paragraph 5 and wish actually to see certain personnel to satisfy themselves of their presence, they may, in the case of those employed with the Royal Laotian Army (in accordance with Article 6) require them to be summoned, if in Vientiane, to their presence for an informal check of their identity. If stationed elsewhere in Laos with the Royal Laotian Army, arrangements will be made for these soldiers to attend an informal check by the Team at a place and at a time mutually acceptable to the Royal Laotian Army, the French Military Mission and the Team. Personnel whose presence is requested and who may not be available due to absence on leave, duty or sickness, may be seen later, if desired.

PART II

Supervision of introduction of war material for the Royal Laotian Army

INTRODUCTION

1. The following paragraphs indicate the procedure according to which the Team may carry out supervision with regard to the implementation of the provisions of the Geneva Agreement regulating the introduction into Laos of war material. The Team may carry out a check on receipt of information *vide* paragraph 3 below, as per procedure given in the subsequent paragraphs. It may on the other hand carry out a check on its own initiative as indicated in paragraph 8 below. It should be noted that these instructions which are for guidance only are not intended to make it always necessary for the Team to check all convoys. The Team may use its discretion in this respect.

DEFINITION

2. In these instructions the term "war material" indicates armaments, munitions and military equipment of all kinds as noted in Article 9 of the Geneva Agreement.

FORECAST OF IMPORTS

3. Forecasts in duplicate of war material for the Royal Laotian Army for that month will be sent to the International Commission at the beginning of each month for transmission to the Teams concerned. These will state generally the quantity and type of material to be imported and the expected date and place of arrival and the method of transportation to be used.

4. In addition to the list submitted by the Royal Laotian Government to the International Commission as per paragraph 3 above the General Staff of the Armed Forces or the Transport Command of the Armed Forces as well as, wherever practicable, the local Commanders of the Regions will notify the Team concerned as far as possible, 8 days in advance about the plans for the introduction or export of war material. It is important, in order to avoid delay, that the Teams of the International Commission should receive the earliest possible notification of the impending arrival of war material by road, air or water. This information, in addition to the forecast in paragraph 3 above, will permit the appropriate Team to take timely action to carry out their necessary inspection. For material consigned to Laos—if by air, Saigon could notify its departure in advance. If by road the Transport Command of the Armed Forces could inform in advance. Material to Savannakhet by water, could be notified from Pakse. Similarly the movement by air of material to Vientiane or Luang Prabang, Xieng Khouang (Plaine-des-Jarres) from Saigon or from other airfields should be notified to the Team concerned as early as possible.

5. All war material to be despatched out of Laos will be notified to the International Commission by the Royal Laotian Army so that it may be checked up and the balance kept accurately. The place of loading will be specified in order that it may be inspected by the appropriate Team.

INSPECTIONS

6. All inspections will be carried out by the Team accompanied by a Liaison Officer in accordance with the "Notes for the Guidance of Fixed Teams, paragraph 2(a)". These inspections will be conducted at or near the places of entry by road, water or air as specified in Article 10 of the Geneva Agreement.

METHOD OF CHECK

7. (a) A vehicle, ship or airplane may be checked by the Team or a manifest produced by the driver, skipper or pilot accepted in lieu thereof, or a "spot check" against the manifest carried out, except that military aircraft may not be boarded but their contents checked at the time of loading or unloading.
- (b) The driver, skipper or pilot will be asked no questions other than those concerning his actual load as shown on his manifest, its place of origin, its destination and to whom it is consigned.
- (c) The contents of the carrying agency will be recorded at the time for entry later. The minimum delay to the agency will be caused and the Team has no authority to hold up the forwarding of any shipment. In any case of doubt regarding the legitimacy of a load, the Team will carefully record all details, permit it to proceed and refer to higher authority concerning it, as soon as possible.
- (d) When possible, in the case of road convoys, manifests will be prepared by individual vehicles.
- (e) In all cases, whether the carrying agency be convoy or single vehicles, boat or ship, or aircraft, manifests will be prepared in duplicate, one copy to be retained by the driver, skipper or pilot and one submitted to the Team carrying out the checks.

ADDITIONAL CHECKS

8. (a) These may be carried out from time to time preferably by "spot check", by Team from Pakse or Tchepone at any appropriate place including the frontier. Undue delay to vehicles or boats will be avoided as these may be inspected later, in any event, at Savannakhet. Teams carrying out these checks will notify the Fixed Team at Savannakhet of their results giving them the necessary details for record so that a double check on the same vehicle will not be necessary.
- (b) In addition to the above, other Fixed or Mobile Teams may carry out checks at any appropriate place, including points on the frontier, on their own initiative or on the orders of the International Commission.
- (c) There will be no control of movements after the foregoing checks.

CHECK POINTS

9. Check points will be established by the local Military Commanders for the inspection of war material at the ports of entry for inbound and outbound carrying agencies as follows:—

On the road, river and air routes as applicable—at Pakse, Seno, Savannakhet, Tchepone, Vientiane, Luang Prabang and Xieng Khouang (Plaine-des-Jarres).

At these places the local Commanders will be prepared to facilitate the inspection duty of Commission teams including the provision of a Liaison Officer. At Seno, they will require to establish facilities available 24 hours a day, including shelter and telephone communications, as this location will probably be a busy one for road moves.

IDENTIFICATION OF VEHICLES AND LOADS

10. The Royal Laotian Army will be responsible for providing all carrying agencies—civil or military—employed in carrying war materials in and out of Laos with the following identification. Careful adherence to this request will facilitate inspection teams of the International Commission and will avoid delay and confusion.

- (a) *Identity Number*.—Whenever possible each vehicle will be given a serial number, whether travelling singly or in convoy, which it will carry in a conspicuous place en-route. A different number should be provided for each trip that the individual vehicle may make. The number may be assumed anywhere outside Laos but must be on the vehicle when it crosses the border. A number is NOT necessary for boats or airplanes.
- (b) The driver (pilot or skipper) of each vehicle (etc.) will be issued with a "Manifest" in duplicate [see paragraph 7(e)]. These will be considered confidential. One copy will be given by him to the Team of the International Commission on request. The document should also show the driver's etc. name and have the serial number allocated by the French Command to his vehicle, (etc) entered on the manifest. In the case of transshipment—lorry/boat/plane—or any alteration or the load, the manifest must accompany the load or a new one be made out.

LIAISON WITH CAMBODIA AND VIETNAM

11. To provide local liaison with Cambodia and Vietnam, noted in Article 38 of the Geneva Agreement, the Fixed Team at Savannakhet is responsible for notifying the export of war material by road or water, through Pakse to Stung Treng or through Tchepone to Tourane or *vice versa*.

APPENDIX 'J'

Amendment to the Instructions for Check and Supervision of 1500 Personnel of the French Military Mission

Reference instructions for the guidance of Fixed and Mobile Teams for Supervision and control of the French Union personnel of the French Military Mission attached to the Laotian National Army forwarded under cover of International Commission letter No. 8(3)-ICL/55/923, dated 26th April 1955.

The International Commission has reconsidered the procedure for supervision and control as laid down in the above mentioned instructions and has decided on the following amendments.

Part I, paragraphs 5 and 6 of the Instructions to be deleted *in toto* and the following substituted:—

"5. The number of the French Military personnel attached to the Royal Laotian Army in Laos will be checked by the Team at Vientiane by examining the following documents to support those submitted under paragraph 2 above—

- (a) The register giving the details of personnel on the strength of the French Instructional staff. This will be kept in the French Military Mission Headquarters at Vientiane and would be available for the International Commission and its Teams, for check.
- (b) The individual pay cards of the personnel with the signature of the paying officer will be available for check and cross-check with the register.
- (c) The pay roll where the officer/NCO signs for having received his pay will also be available for check with the register mentioned in (a) above and the individual pay cards (b) above.

The Team proceeding with the check will have to come into contact with the Commandant of the Headquarter of the French Military Mission at Vientiane.

Outstation Teams may also carry out checks of pay rolls whenever they are available."

APPENDIX 'K'

Prisoners of War and Civil Internees Claims of Franco-Laoian Delegation upto 30th June, 1955

Franco-Laoian/Prisoners of War/Civil Internees	Before Cease-Fire		Between Cease-Fire and 31-12-1954			New Claims by Franco-Laoian between 1-1-55 and 30-6-55	Total outstanding, according to Franco-Laoian on 30-6-55.
	Claimed to have been handed over by Vietnamese People's Volunteers/ 'Pathet Lao'	Claimed by Franco-Laoian	Handed over according to Franco-Laoian	Handed over to Vietnamese People's Volunteers/ 'Pathet Lao'	(4)		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
French Prisoners of War	..	167 (a)	693	694	..	70 } 74 4 }	
French Civil Internees	..	10	6	6	..		
Laoian National Army Prisoners of War	1,079 (b)	999 (b)	34	33	3	968 } 1,846 878 }	
Laoian Civil Internees	61 (c)	900 (c)	118	126	96		

(a) The discrepancy between the figures in columns 3 and 4 is due to the Franco-Laoian claim that out of 693 French Union Prisoners of War released, only 97 names appeared in the list of 167 Prisoners of War belonging to the Laoian theatre of war.

(b) Vietnamese People's Volunteers/ 'Pathet Lao' Delegation claims that 221 names are common between these two figures.

(c) Vietnamese People's Volunteers/ 'Pathet Lao' Delegation claims that 3 names are common between these two figures.

APPENDIX 'K' (Contd.)

Prisoners of War and Civil Internees

Claims of Vietnamese People's Volunteers 'Pathet Lao' Delegation upto 30th June, 1955

Vietnamese People's Volunteers/'Pathet Lao' Party's Prisoners of War and Civil Internees	Total claim upto 30-6-55 by Viet- namese People's Volunteers/'Pathet Lao'	Handed over between Cease-Fire and 31-12-54			Vietnamese People's Volunteers/'Pathet Lao' Party still claims from 1st January, 1955 until 30th June, 1955
		According to Franco- Laotian Delegation	According to Vietnamese People's Volunteers/ 'Pathet Lao' Delegation	(3)	
	(2)	(3)	(4)	(5)	
Vietnamese People's Volunteers/'Pathet Lao' Party's Prisoners of War and Civil Internees	912	231	220	692	

APPENDIX 'L'

Convention on graves of Military Personnel and Prisoners of War who died in the territory of Laos

In implementation of Article 18 of the Geneva Agreement dated 20th July, 1954 on the cessation of hostilities in Laos which stipulates:—

"In cases in which the place of burial is known and the existence of graves has been established, the Commander of the forces of each Party shall, within a specified period after the entry into force of the present Agreement, permit the graves service of the other Party to enter that part of Laotian territory under his military control for the purpose of finding and removing the bodies of deceased military personnel of that Party, including the bodies of deceased prisoners of war.

The Joint Commission shall fix the procedures by which this task is carried out and the time limits within which it must be completed. The Commander of the forces of each Party shall communicate to the other all information in his possession as to the place of burial of military personnel of the other Party";

the Joint Armistice Commission in Laos has fixed the following procedure of work:—

I Exchange of Documentation

The exchange of documentation including the nominal roll together with the places of burial of military personnel and deceased Prisoners of War shall be effected in the following manner:—

- The Party of the Vietnamese People's Volunteers and of the Fighting Units of 'Pathet Lao' shall communicate the nominal roll with the places of burial of its dead who have been interred in the 10 provinces.
- The Party of the French Union forces and of the Laotian National Army shall communicate the nominal roll together with the places of burial of its dead who have been interred in the 2 provinces of Phong Saly and Sam Neua.
- Each Party shall communicate to each other all the information at its disposal regarding the places of burial of the military personnel and Prisoners of War of the other Party.
- This exchange shall occur 24 hours after the signing of the present Convention.

II Execution of the Work

(a) The execution of the work shall be the responsibility of 12 burial Teams:—

- 2 Franco-Laotian Teams for the provinces of Phong Saly and Sam Neua;

—10 Vietnamese People's Volunteers/'Pathet Lao' for the other provinces.

(b) Each Team shall include representatives of:—

—the deceased Party:—

2 officers of whom one from the Civil Registrar "1 Vietnamese People's Volunteers and 1 'Pathet Lao' for the Vietnamese People's Volunteers/ 'Pathet Lao' Party Team

"1 French Union and 1 Laotian for the Franco-Laotian Party Team

Representative from the Health Service

—the Civil and Military Administration of the Region where the grave is located:

3 Representatives whose duty it is to facilitate the work of the other Party.

(c) The Burial Team shall direct the work of exhumation and transfer of bodies, of their eventual regroupment into cemeteries and of the repairs to tombs located in their zone of competence.

When a Team has terminated its work in its zone of competence, it can be transferred to another zone, so as to expedite the work to be done throughout the territory of Laos.

(d) A Co-ordination Committee which includes an equal number of representatives of the two Parties shall be set up for the whole of Laos:

—2 Representatives of the Vietnamese People's Volunteers High Command;

—2 Representatives of the Fighting Units of 'Pathet Lao' High Command;

—2 Representatives of the Forces of the French Union High Command;

—2 Representatives of the Laotian National Army High Command.

The 4 representatives of the Vietnamese People's Volunteers and 'Pathet Lao' High Commands shall be assisted by a staff, provided with signal equipment, consisting of 10 persons, i.e.,—

—8 Vietnamese People's Volunteers;

—2 'Pathet Lao'.

The seat of the Co-ordination Committee on Graves shall be located at Savannakhet.

The responsibilities of the members of the Committee, who represent the High Commands of each Party, are as follows:—

—to establish the procedure of work of the Committee and the Teams,

- to draw up the programme of work and to ensure its implementation,
- to allocate the Burial Teams,
- to settle all questions arising during the accomplishment of the prescribed task,
- to establish liaison, either by personal contact or by correspondence:—

“with the High Commands of each Party in order to inform them of the progress of the work;

“with the International Commission in order to submit to it controversial issues arising out of the implementation of the present Convention.

- (e) The Burial Teams of each Party shall work under the direction of their representatives in the implementation of all decisions taken by the Committee.

These Teams shall submit monthly or occasional reports on the progress of work and the difficulties encountered in the achievement of their tasks.

These reports shall be made, either by correspondence using the signal communication of the other Party, or verbally.

- (f) The local authorities shall have to supply the labour as well as the necessary means of transport and liaison.
- (g) The local authorities shall be responsible for the safety of the personnel of the Co-ordination Committee and of the Burial Teams (accommodation and movement). These personnel shall be provided with passes affording them all facilities in the carrying out of their mission.
- (h) The personnel of the Co-ordination Committee and of the Teams shall wear the following dress:—
 - Military dress for the Vietnamese People's Volunteers/ 'Pathet Lao' Party;
 - Civilian or Military dress for the Franco-Laotian Party.
- (i) The rules of hygiene applicable to the exhumation and transfer of bodies shall be strictly enforced.
- (j) Labour and transport costs shall be paid directly by the Teams as the work gradually progresses and at the rates prevalent in the region concerned.
- (k) Personnel of the Co-ordination Committee and the Teams shall refrain from any interference in local internal affairs. Strictly religious ceremonies only can take place within the Teams and at the site of the grave itself.

III. TIME LIMITS

The time limit for the operations of exhumation, transfer of bodies, regroupment into cemeteries, or on the spot repairs to graves, is laid down at 6 months from the day of signing the present Convention.

The annexures laying down the details of work shall be drafted by the Co-ordination Committee on Graves within a maximum time limit of 15 days following the signing of this Convention.

Work shall commence as soon as the annexures have been signed or on the expiry of the prescribed time limit.

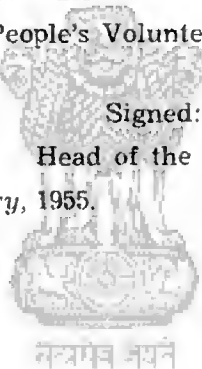
Signed: Colonel DANG VAN TINH

Head of the Vietnamese People's Volunteers/
'Pathet Lao' Delegation.

Signed: Colonel ANSIDEI

Head of the Franco-Laotian Delegation.

VIENTIANE, 10th February, 1955.



APPENDIX 'M'

Press Communiques issued since January 1955

Date	Subject
16-1-1955	Completion of first Interim Report to the two Co-Chairmen.
22-1-1955	Announcing Commission's meeting with Joint Commission.
10-2-1955	Announcement of an agreed protocol between the Parties on Graves, on the payment of debts and loans incurred by Vietnamese People's Volunteers/'Pathet Lao' during withdrawal of their forces, an assurance by the Parties accepting the Commission's recommendation to publicise the clauses in the Geneva Agreement, relating to democratic rights and freedom and discussion on the dissolution of the Joint Commission.
16-2-1955	Announcement regarding dissolution of the Joint Commission.
15-3-1955	Ambassador Marian Graniewski's departure for Poland.
31-3-1955	Co-ordination meeting of three Secretariats-General in Vientiane.
5-4-1955	Communique at the end of the Co-ordination meeting.
28-4-1955	Operation of Government forces in Phong Saly and Sam Neua before and after 6th August, 1954—majority decision of Commission.
7-5-1955	Commission's recommendation suggesting immediate steps to avoid incidents in the provinces of Phong Saly and Sam Neua without prejudice to the interpretation of Article 14.
18-5-1955	Situation at Muong Peun (Sam Neua)—investigation by the Commission's Team.
7-6-1955	Commission's letter to the Royal Laotian Government and the 'Pathet Lao' urging them to re-open and continue negotiations for an early political settlement.
16-6-1955	The establishment of Royal Administration in Sam Neua and Phong Saly <i>vis-a-vis</i> a political settle-



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